Petroleum Products

Program Manual

State of California
Department of Food and Agriculture
Division of Measurement Standards
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www.cdfa.ca.gov/dms/

PETROLEUM PRODUCTS MANUAL

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PETROLEUM AND AUTOMOTIVE PRODUCTS

LABELING REQUIREMENTS

SECTION 1

Revised 04/05

LABELING REQUIREMENTS

FOR

PETROLEUM AND AUTOMOTIVE PRODUCTS

This section has been prepared to guide the weights and measures official through the laws and regulations concerning proper labeling of petroleum and automotive products distributed and sold to the public. The requirements for effective and proper identification of products are an important benefit to the public.

These benefits include:

1. Decreasing human error in the handling of products in transit and before exposure for sale.

2. Identifying products that are sampled so that proper quality and grade specifications are applied in testing.

3. Avoiding contamination and blending through accident.

4. Discouraging unscrupulous operators, manufacturers, and distributors from intentional substitution of inferior products.

5. Providing a uniform and legible means so buyers can recognize labeling of brands and grades.

The intent is to offer illustrations to supplement the legal wording of the Business and Professions Code (BPC) and the California Code of Regulations (CCR) for convenience in referring to and interpreting the various sections.

The enforcement of petroleum and automotive products laws and regulations is vested in the Division of Measurement Standards and county weights and measures officials. It is important that we recognize our responsibility for this work.

California Business and Professions Code
Division 5, Chapter 14 - Petroleum
Article 9 - Labeling

PURPOSE OF EACH SECTION

BPC 13480(a) – Unlawful to sell petroleum products unless the container, dispenser, storage tank fill pipe, etc., has a plainly visible label consisting of:

- Product name (i.e., gasoline, motor oil, etc.)
- Brand, trademark or trade name
- Grade or brand designation (engine fuel or kerosene)

BPC 13480(b) – Society of Automotive Engineers (SAE) viscosity grade classification is required on motor oil and gear oil labels.

BPC 13480(c) – Dispensers for gasoline shall be labeled with the minimum octane number or antiknock index as defined in BPC 13403 (Federal requirements preempt state).

BPC 13480(d) – Motor fuel which is a mixture of gasoline and oil must have a conspicuously displayed label stating the gasoline to oil ratio.

BPC 13480(e) – Size requirements of all letters and numerals required by this section:

- Minimum 1/2" in height for all retail motor fuel dispensers and containers greater than one gallon.
- Minimum 1/4" in height and 1/16" stroke on all containers of one gallon or less.

BPC 13480(f) – Inapplicability of octane and SAE numbers to products sold for aviation purposes.

BPC 13480(g) – Limited application to thinners and solvents.

BPC 13481 – Petroleum products without brand, trademark, etc. Require words “No Brand”***.***

BPC 13482 – American Petroleum Institute (API) Service Classification is required on motor oil and gear oil labels.

BPC 13483 – The size of the letters on underground storage tank labels may be any convenient size but shall be plainly visible while the tank is being filled.

BPC 13484 – Dispensers used to serve two driveways must be labeled so that one set of labels is clearly visible from each driveway. Dispensers used to serve one driveway must be labeled on the side adjacent to such driveway.

BPC 13485 – Small hand measures - Labels not required under certain conditions.

BPC 13486 – Filling of tanks, pumps, containers, etc., with, or delivery of, product other than indicated by brand, trademark, etc. Deliveries made with rebrand authorization are exempt.

BPC 13487 – Repealed 1988.

BPC 13488 – Repealed 1988.

BPC 13489 – Requirements for dispensers which blend different grades of gasoline for sale as a single combined product.

BPC 13490 – Requirements for dispensers which blend gasoline and motor oil (or premix) for sale as a single combined product (i.e., outboard motor fuel).

California Code of Regulations
Title 4, Division 9, Chapter 6
Article 6 – Engine Oil Labeling

PURPOSE OF SECTION

CCR 4150 – API Service classification for motor oil products must be at least 1/8 inch in height.

California Code of Regulations
Title 4, Division 9, Chapter 7
Advertising of Gasoline and Other Motor Vehicle Fuels

PURPOSE OF EACH SECTION

CCR 4200 – "Advertising Medium" is defined as a banner, sign, placard, poster, streamer, and card, mounted or not, on the same or different standards, connected or not, such that they can reasonably be read as one message.

CCR 4201 – In addition to the BPC § 13740 and § 13480, any sign referring to the price of a motor fuel on a dispenser is limited to: (1) the actual price per gallon or liter, (2) conversion chart information for sales by liter, (3) the brand name and name of product.

CCR 4202 – Uniform illumination of the entire advertising message is required.

California Business and Professions Code
Division 5, Chapter 15 – Automotive Products
Article 2 – Specifications and Labeling

PURPOSE OF EACH SECTION

BPC 13710(a) – Minimum specifications of coolant and anti-freeze (includes pre-diluted and recycled).

BPC 13710(b) – Minimum specifications for transmission fluid.

BPC 13710(c) – Minimum specifications for brake fluid.

BPC 13710(d) – Requirement to provide documentation of claims.

BPC 13711 – Mislabeling.

BPC 13712 – Specific exemptions for brake fluid bleeders.

BPC 13713 – Adulterated products.

California Code of Regulations
Title 4, Division 9, Chapter 6
Article 1 – Brake Fluid Standards

PURPOSE OF SECTION

CCR 4100 – Brake Fluid must conform to the National Highway Safety Administration, United States, Department of Transportation specifications.

California Code of Regulations
Title 4, Division 9, Chapter 6,
Article 2 – Brake Fluid Labeling

PURPOSE OF SECTION

CCR 4112 – The label on brake fluid containers must contain a brand name in letters at least 1/8 inch in height. Additionally, the numerals used in connection with the brand name must not exceed the actual dry equilibrium reflux boiling point of the product.

California Code of Regulations
Title 4, Division 9, Chapter 6
Article 7 – Labeling of Engine Coolants

PURPOSE OF SECTION

CCR 4161 – In addition to the requirements of BPC § 13711(a) and (b), every container of engine coolant, prediluted engine coolant, recycled engine coolant, and recycled prediluted engine coolant must have a brand name in letters at least 1/8 inch in height. The label must also clearly identify the ASTM standard designation which the product meets. ASTM D 3306 for engine coolant and prediluted engine coolant, ASTM D 6371 for recycled prediluted engine coolant, or ASTM D 6372 for recycled engine coolant.

Article 9 - Labeling Requirements

EXAMPLES

MOTER FUEL DISPENSER

BPC 13480(a):

1. Brand, trademark, or trade name.
2. Grade designation (if any).
3. Product name (i.e., gasoline, diesel fuel, etc.).

BPC 13480(c) – If the product is automotive spark-ignition engine fuel (gasoline), the minimum octane number or anti-knock index is required. **(Federal requirements preempt state; Federal octane decal is required.)**

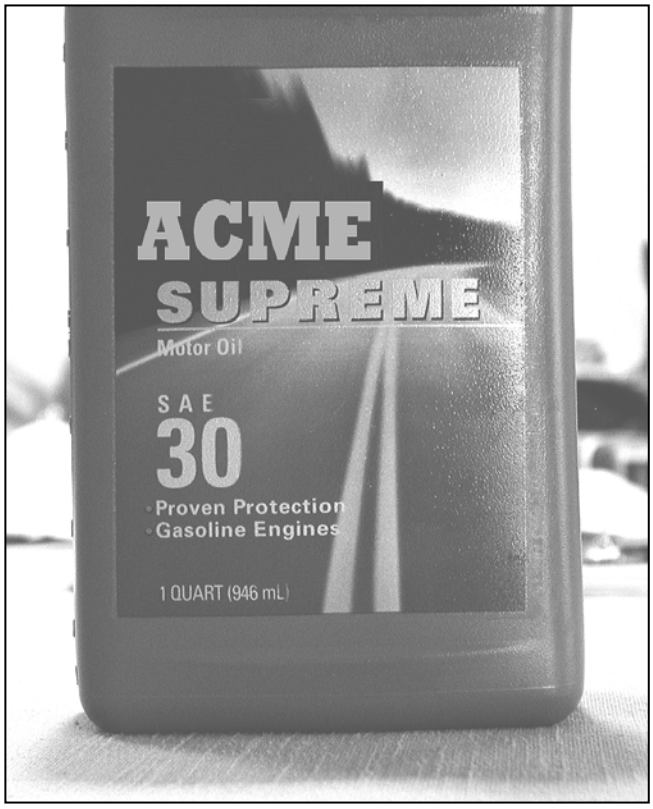
Note: M-85 methanol fuel is exempted from octane posting.

BPC 13484 – If dispenser serves two driveways, it must be labeled on two sides; if not, it must be labeled on the side next to the driveway it serves.

BPC 13480(e) – 1/2" minimum height of letters: containers greater than one gallon and motor fuel dispensers.

BPC 13481 – “No Brand” (if applicable).

MOTOR OIL CONTAINER



BPC 13480(a):

1. Brand, trademark, or trade name.
2. Product name (i.e., motor oil, engine oil, engine lubricant, lubricating oil).

BPC 13480(b) – SAE and viscosity number.

BPC 13480(e) – 1/4" minimum height and 1/16" minimum stroke: containers of one gallon or less.

BPC 13482 – API service classification required. (Title 4, Section 4150 requires API classification to be in letters not less than 1/8" in height).

NOTE: See attached letter regarding obsolete motor oil service classifications.

BPC 13481 – "No Brand" <u>(if applicable)</u>.

BPC 13482 – API service classification required. (Title 4, Section 4150 requires API classification to be in letters not less than 1/8" in height.)

NOTE: You may not find the standard API/SAE mark (Figure 2, below) on a packaged oil product.

The API certification mark, star burst, described in SAE J 4123 "is designed for identification of engine oils recommended for a general application (for example, gasoline, fuel flexible, light duty diesel). The certification mark may be licensed only if the oil satisfies the requirements of the most recent and applicable ILSAC minimum performance standards." Therefore, since BPC § 13482 requires a SAE/API service classification (not an ILSAC standard), the appropriate SAE/API service classification (i.e., SJ or SL must be on the container in 1/8" letters).

Figure 1—API Certification Mark

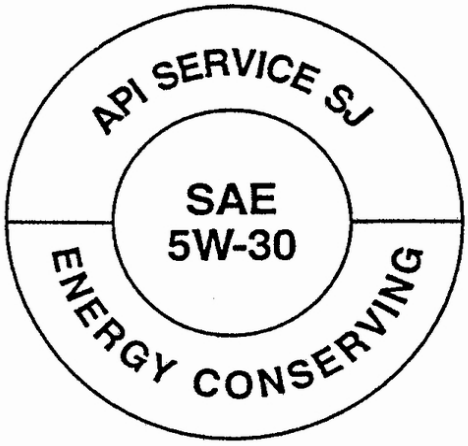


Figure 2—API Service Symbol

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

DEPARTMENT OF FOOD AND AGRICULTURE

Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826

February 18, 2003

TO THE INDUSTRY MEMBER ADDRESSED

In December of 2000, a letter was sent regarding the labeling of motor oils meeting the obsolete SAE/API category SA. This letter is intended to provide similar notice for all other motor oils labeled as meeting any obsolete SAE/API service classification, i.e., SB, SC, SD, SE, SF, SG, SH, CA, CB, CC, CD, CD II, and CE.

California law (Business and Professions Code, Division 5, Chapter 14, Section 13482) requires that containers of motor oil, with a volume of one gallon or less, describe on the label the condition of service for which the engine oil is suitable for use in gasoline engines, as described in SAE J183. Appendix A of SAE J183 contains specific labeling practices that are considered reasonable and prudent for inclusion on labels of motor oil containers as follows:

SA Oils

"CAUTION— THIS OIL IS RATED API SA. IT CONTAINS NO ADDITIVES. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY ENGINE PERFORMANCE OR EQUIPMENT HARM."

SB Oils

"CAUTION— THIS OIL IS RATED API SB AND IS NOT SUITABLE FOR USE IN MOST GASOLINEPOWERED AUTOMOTIVE ENGINES BUILT AFTER 1963. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM."

SC Oils

"CAUTION— THIS OIL IS RATED API SERVICE SC AND IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1967. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM."

SD Oils

"CAUTION— THIS OIL IS RATED API SERVICE SD. IT IS NOT SUITABLE FOR USE IN MOST GASOLINEPOWERED AUTOMOTIVE ENGINES BUILT AFTER 1971. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM."

SE Oils

"CAUTION— THIS OIL IS RATED API PERFORMANCE CATEGORY SE. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE POWERED AUTOMOTIVE ENGINES BUILT AFTER 1979."

SF Oils

"CAUTION— THIS OIL IS RATED API SERVICE CATEGORY SF. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE POWERED AUTOMOTIVE ENGINES BUILT AFTER 1988. IT MAY NOT PROVIDE ADEQUATE PROTECTION AGAINST THE BUILD-UP OF ENGINE SLUDGE."

SG Oils

"CAUTION— THIS OIL IS RATED API SERVICE CATEGORY SG. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE POWERED AUTOMOTIVE ENGINES BUILT AFTER 1993. IT MAY NOT PROVIDE ADEQUATE PROTECTION AGAINST THE BUILD-UP OF ENGINE SLUDGE, OXIDATION, OR WEAR."

California law mandates that the applicable language found in Appendix A of SAE J183 be included on all containers of motor oil with an obsolete API service category. Existing stock of product without compliant labeling may continue to be sold until September 1, 2003. We will no longer accept other statements for condition of use for obsolete categories of motor oil to satisfy the labeling requirements of Section 13482 after that date. It should also be noted that as additional API motor oil service categories become obsolete, SAE J183 caution statements will be updated to include those newly obsolete categories. When that occurs, packages of those newly obsolete motor oil products must contain the required cautionary statements also.

The Department may waive this requirement, after review of the label, for motor oil intended for use solely in applications which do not fall under the scope of SAE J183. Examples of those oils would be those intended only for use in motorcycles, snowmobiles, personal water craft, lawn and garden equipment, and motor oils designated as "energy conserving" in compliance with SAE J1423.

Any questions regarding these labeling requirements should be directed to Cindy Lyon-Mough, Program Supervisor, at (916) 229-3050.

Sincerely,

David R. Lazier
Chief, Weighmaster Enforcement/Petroleum Products Branch
(916) 229-3044

GEAR OIL/MOTOR OIL DISPENSER

BPC 13480(a):

1. Brand, trademark, or trade name.
2. Product name.

BPC 13480(b) - SAE and viscosity number.

BPC 13480(e) – 1/2" minimum letter height on containers with a capacity of more than one gallon; less than one gallon must be at least 1/4" minimum letter height.

BPC 13482 – API service classification is required (Title 4, Section 4150: Minimum 1/8" high letters.)

BPC 13481 – "No Brand" (if applicable).

STORAGE TANK FILL PIPE

STORAGE TANK INLET TAG

BPC 13480(a):

1. Brand, trademark, or trade name.
2. Grade designation
3. Product name.

BPC 13481 – "No Brand" (if applicable).

BPC 13483 – Letter size on tag or label. For inlet of storage tank, may be any convenient size but must be visible while tank is being filled.

STORAGE TANK INLET TAG (collar type)

E-85 Ethanol Fuel

Pump labeling – The Business and Professions Code, Division 5, Chapter 14, Section 13480 requires the dispenser and storage tank to be labeled, on both sides of the dispenser, in letters 1/2" in height, with the brand name, the grade (E-85) and the product name (Ethanol Fuel). Additionally, the Federal Trade Commission, in 16 CFR Part 306, Section 306.12(b)(2) and (c)(2) requires a label (similar in size to the octane label) consisting of black type on an orange background stating: "E-85 MINIMUM 85% ETHANOL".

Methanol Labeling Exemption - Section BPC 13480(c)

M-85 Methanol Fuel

M-85 dispensers are exempt from the octane/antiknock index labeling requirements.

Pump labeling – The Business and Professions Code, Division 5, Chapter 14, Section 13480 requires the dispenser and storage tank to be labeled, on both sides of the dispenser, in letters 1/2" in height, with the brand name, the grade (M-85) and the product name (Methanol Fuel). Additionally, the Federal Trade Commission, in 16 CFR Part 306, Section 306.12(b)(2) and (c)(2) requires a label (similar in size to the octane label) consisting of black type on an orange background stating: "M-85 MINIMUM 85% METHANOL".

The dispensers and storage tank inlets must be identified as "Methanol" for the product and "M-85" for the grade designation.

M-85 = 85% methanol and 15% hydrocarbons.

BPC 13481 – "No Brand" (if applicable).

Outboard Motor Fuel

BPC 13490 – The use of a pump capable of withdrawing gasoline from one tank, and motor oil, or a known premixture of gasoline and motor oil, from another tank and dispensing as a single combined product, or withdrawing the gasoline alone, or the premixture alone.

(a) The device must accurately measure the products being dispensed, either combined or separate.

(b) The device must accurately and visibly record and display:

(1) The ratio of gasoline to oil or premix, the quantity of each product dispensed, the price per gallon or liter for gasoline, the price per quart or liter for oil or premix;

OR

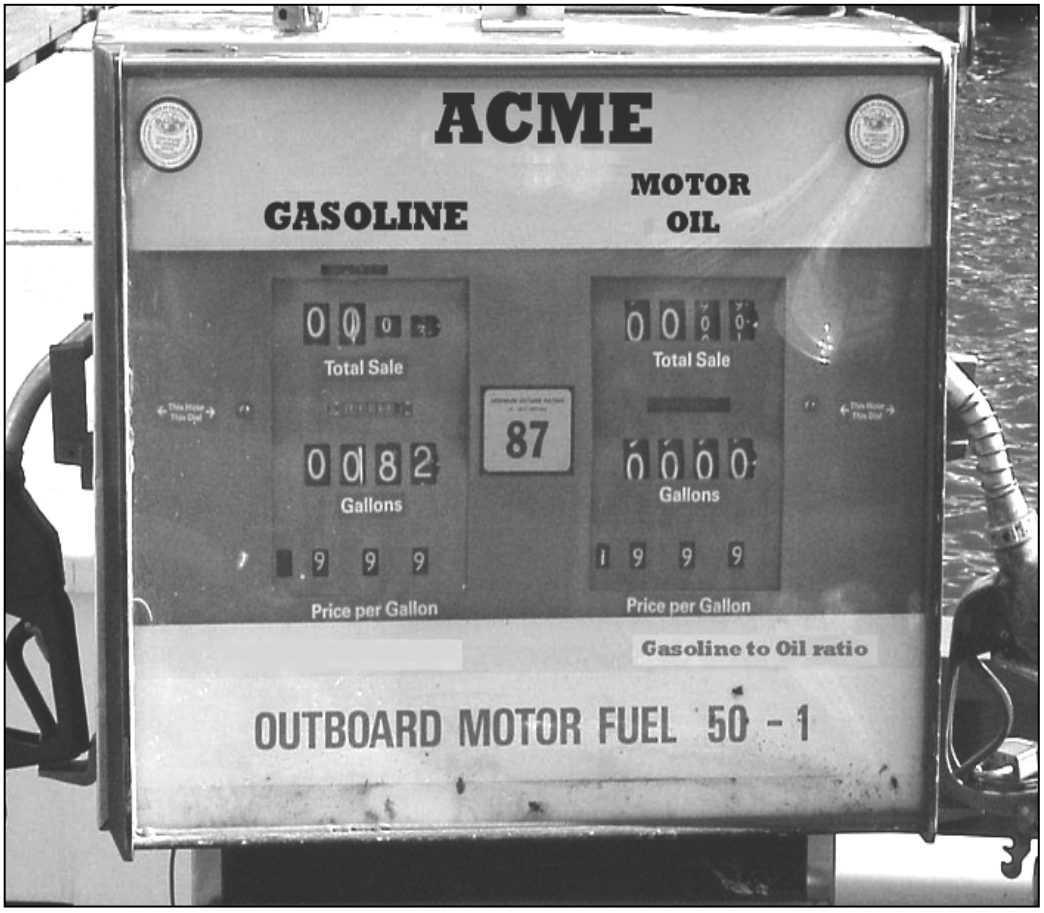
(2) The ratio of gasoline to motor oil or premixture and the price per gallon or liter for the product dispensed.

(c) The device mechanism prevents changing the ratio of gasoline to oil or premix during dispensing.

BPC 13480(a), (c), (d), (e), and **13483** also apply.

BPC 13481 – "No Brand" (if applicable).

Outboard Motor Fuel Dispenser



Motor Vehicle Propane

BPC 13480(a)

1. Brand, trademark, or trade name.
2. Grade designation.
3. Product - Propane.

BPC 13480(e) – 1/2" minimum height of letters: containers greater than one gallon and motor fuel dispensers.

BPC 13470, CCR 4002.4 – Price per gallon including all taxes must be posted. Minimum letter height shall be 3/4".

Biodiesel Labeling Requirements

BPC 13480 – All signs and labels required by this section for retail motor fuel dispensers and containers of more than one gallon capacity shall be in letters and numerals not less than 1/2" (12.70 mm) in height.

CCR 4148(a) – For biodiesel blends, requires the words "Biodiesel fuel (BXX)", where XX represents the percentage of biodiesel in the blended fuel.

Pump labeling – The Business and Professions Code, Division 5, Chapter 14, Section 13480 and the California Code of Regulations, Title 4, Section 4148 requires the dispenser and storage tank to be labeled, on both sides of the dispenser, in letters 1/2" in height, with the brand name, the grade (BXX – where the XX represents the percentage of biodiesel in the blend) and the product name (Biodiesel Fuel)."

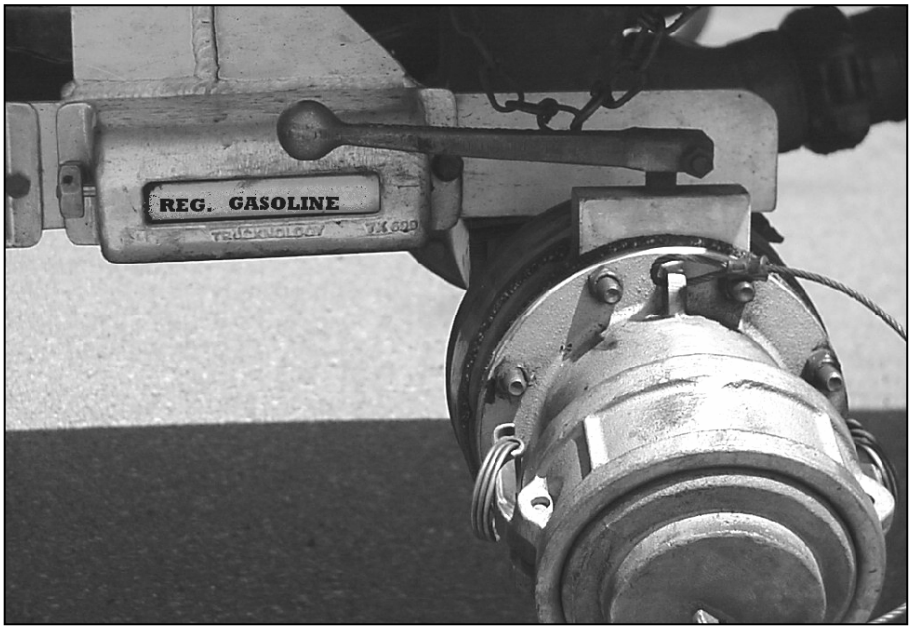
CCR 4148(b) – Requires the following label on each side of any pump dispensing biodiesel or biodiesel blends greater than 5% to have the following label:

THIS FUEL CONTAINS BIODIESEL. CHECK THE OWNER'S MANUAL OR WITH YOUR ENGINE MANUFACTURER BEFORE USING.

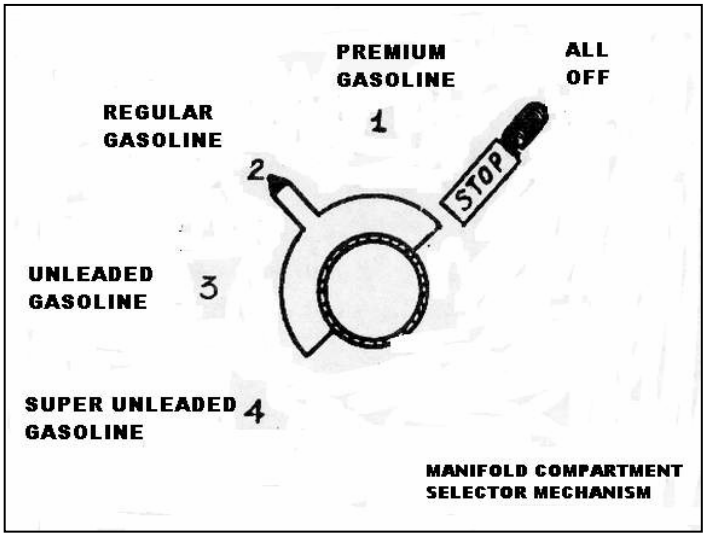
Article 10 – Tank Vehicles

LABELING REQUIREMENTS

SELECTOR MECHANISM



BPC 13500(a)(b) – A metal tag, plate or label must display the name and grade of the product in letters not less than 1/2" in height, and must be attached to each outlet valve of each compartment. If the product is motor oil, the SAE viscosity shall also be displayed. If the gasoline is to be sold as unleaded gasoline, the grade shall contain a designation of “unleaded”.



Chapter 14.5, Service Stations – Air and Water; Disabled Drivers

BPC 13650 – "Service station", as used in this chapter, means any establishment which offers for sale or sells gasoline or other motor vehicle fuel to the public.

BPC 13651 – Requires service stations to provide free air and water and an air pressure gauge to their customers who purchase fuel. This section also requires the station to post the following sign in a conspicuous place at or near the air and water dispenser:

> **CALIFORNIA LAW REQUIRES THIS STATION TO PROVIDE FREE AIR AND WATER FOR AUTOMOTIVE PURPOSES TO ITS CUSTOMERS WHO PURCHASE MOTOR VEHICLE FUEL. IF YOU HAVE A COMPLAINT NOTIFY THE STATION ATTENDANT AND/OR CALL THIS TOLL-FREE TELEPHONE NUMBER: 1 (800) 356-7057.**

This sign shall meet the requirements of Sections 13473 and 13474 with regard to letter size and contrast.

BPC 13660 – Requires service stations to provide fueling services to disabled drivers at the same price that the general public would be charged. It also provides for exceptions to the law when:

(1) Only one employee is on duty.

(2) Only two employees are on duty, one of whom is assigned exclusively to the preparation of food.

As used in this subdivision, the term "employee" does not include a person employed by an unrelated business that is not owned or operated by the entity offering motor vehicle fuel for sale to the general public.

The following sign shall be posted as applicable to the service station operation in a conspicuous location:

> **Service to Disabled Persons**
>
> **Disabled individuals properly displaying a disabled person's plate or placard, or a disabled veteran's plate, issued by the Department of Motor Vehicles, are entitled to request and receive refueling service at this service station for which they may not be charged more than the self-service price.**

> **No Service for Disabled Persons**
>
> **This service station does not provide refueling service for disabled individuals.**

If the service station provides refueling service to persons with disabilities only for limited hours then those hours shall be posted.

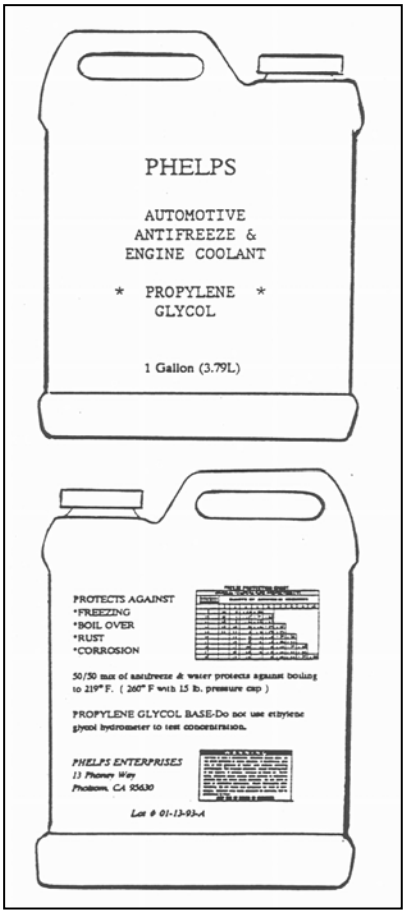
Chapter 15 - Automotive Products

BPC 13711(a) – An engine coolant or antifreeze is mislabeled if any of the following occurs:

(1) The container does not bear the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.

(2) The container does not bear a chart showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit. **(Does not apply to prediluted product.)**

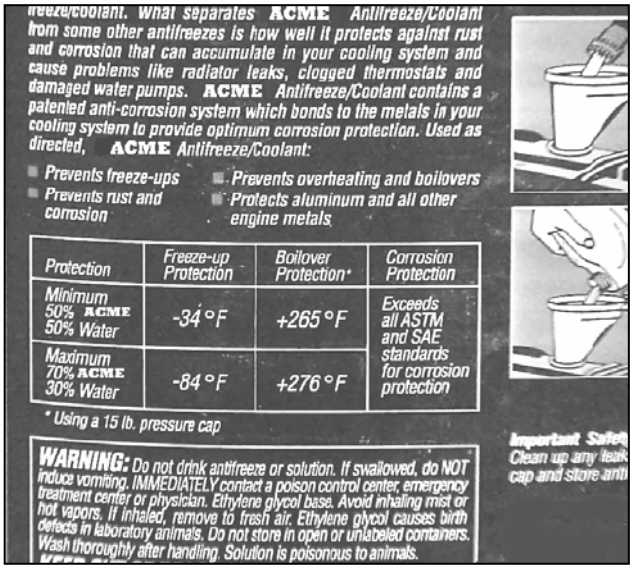
(3) The container does not bear a statement showing the boiling point of a 50 percent by volume mixture of engine coolant or antifreeze and water in degrees Fahrenheit. **(Does not apply to prediluted product.)**



(4) The container is one quart or less and does not bear the words “engine coolant” or “anti-freeze” in letters at least 1/8 inch high on the principal display panel. The container is greater than one quart and does not bear the words “engine coolant” or “antifreeze” in letters at least 1/4 inch high on the principal display panel.

(5) The principal ingredient is propylene glycol and the container does not bear a statement not to use an ethylene glycol hydrometer concentration tester for propylene glycol coolants.

(6) The container and carton do not bear a lot or batch number on the label identifying the container lot and date of packaging.



CCR 4161 – The container shall clearly identify the applicable ASTM standard designation which the product meets. ASTM D 3306 for virgin products, ASTM D 6472 for recycled products.

BPC 13711(b) – Prediluted engine coolants and prediluted antifreezes are mislabeled if the following occurs:

(1) The container does not bear a label with the brand name, principal ingredient, intended application, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the contents in terms of liquid measure.

(2) The container does not bear a statement showing the protection from freezing in degrees Fahrenheit.

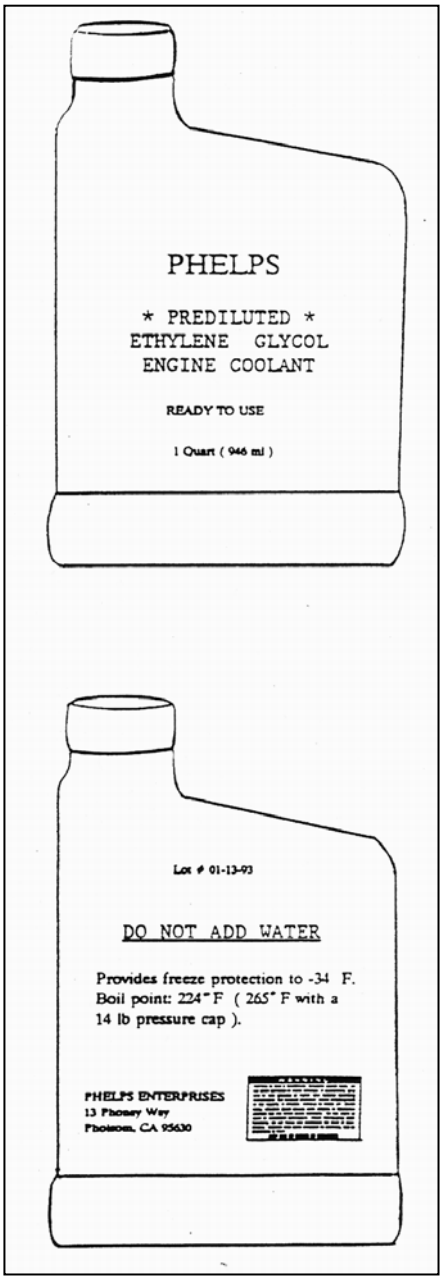
(3) The container does not bear a statement showing the boiling point in degrees Fahrenheit.

(4) The container is one quart or less and does not bear the words “prediluted engine coolant” or “prediluted antifreeze” in letters at least 1/8 inch high on the principal display panel. The container is greater than one quart and does not bear the words “prediluted engine coolant” or “prediluted antifreeze” in letters at least 1/4 inch high on the principal display panel.

(5) The container is one quart or less and does not bear the words “DO NOT ADD WATER” in letters at least 1/8 inch high. The container is greater than one quart and does not bear the words “DO NOT ADD WATER” in letters at least 1/4 inch high.

(6) The principal ingredient is propylene glycol and the container does not bear a statement not to use an ethylene glycol hydrometer concentration tester for propylene glycol coolants.

(7) The container and carton do not bear a lot or batch number on the label identifying the container lot and date of packaging.



CCR 4161 – The container shall clearly identify the applicable ASTM standard designation which the product meets. ASTM D 3306 for virgin products, ASTM D 6471 for recycled products.

CCR 4160 – Any engine coolant which has been granted a variance by the CDFA from the chloride standard shall bear the words “Recycled Engine Coolant” or “Recycled Prediluted Engine Coolant” in letters not less than 1/4 inch (containers greater than 1 quart) or 1/8 inch (containers 1 quart or less).

CCR 4168 – The CDFA may grant a variance from ASTM specifications if:

(a) Chloride content is less than 150 ppm.

(b) Meets all other regulations in **CCR 4161** or **CCR 4162**.

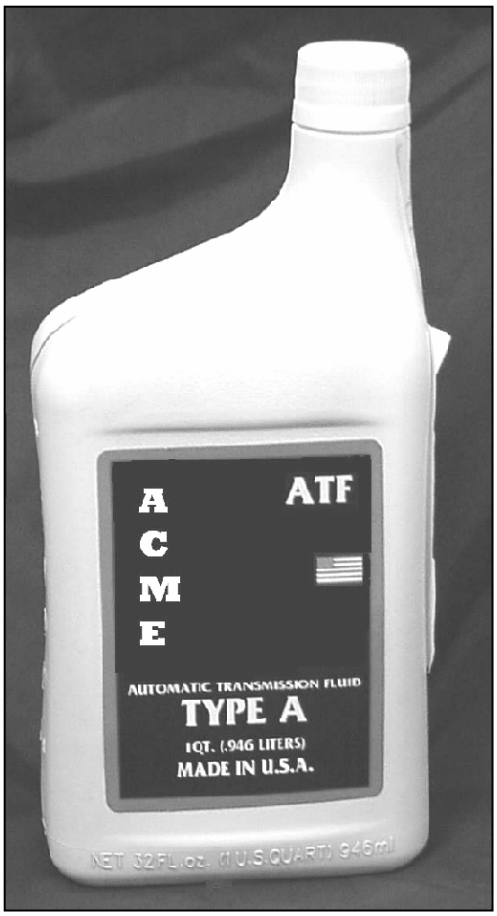
BPC 13711(c) – Automatic transmission fluid shall be deemed mislabeled if any of the following occurs:

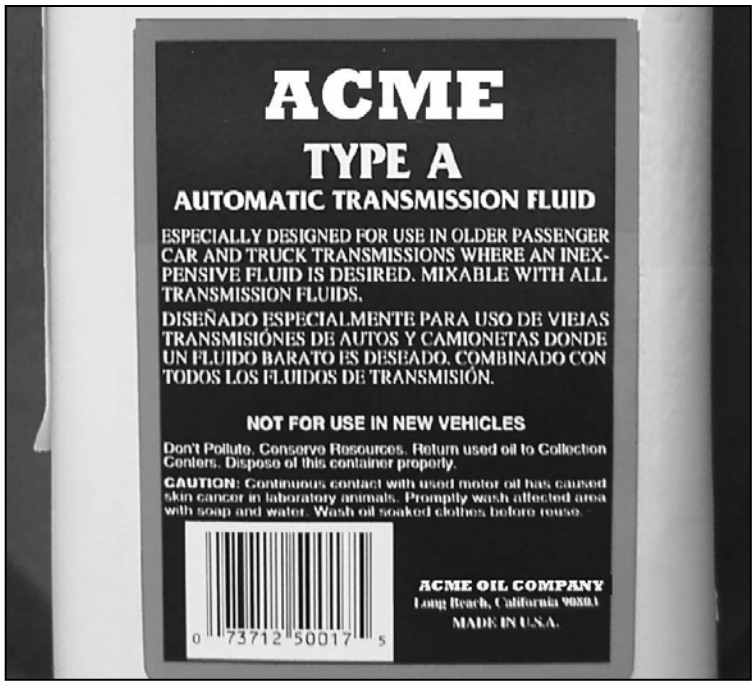
(1) The container does not state on the label;

- the brand name.
- the words – "Automatic Transmission Fluid"
- name and place of business of manufacturer, packer, seller or distributor.
- duty type classification.

(2) The container does not bear an accurate quantity statement.

(3) The labeling is false or misleading.

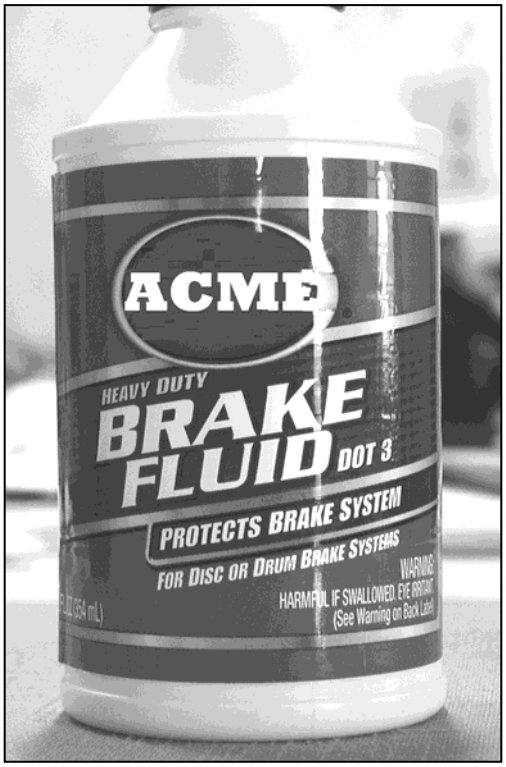




BPC 13711(d) – Brake fluid is mislabeled if any of the following occurs:

(1) The container does not bear a label that conforms to the requirements of the National Highway Traffic Safety Administration, United States Department of Transportation, and upon which is printed the brand name.
(2) The container does not bear an accurate statement of the contents in terms of liquid measure.
(3) The labeling on the container is false or misleading.

BPC 13712 – A brake fluid receptacle or dispensing device, including "bleeders", pressurized containers, or any container used to fill a brake system or to expel air from the system after servicing, are exempt from the container labeling requirements in this chapter except for designation of the contents as "**DOT Motor Vehicle Brake Fluid**" with the appropriate identification number filled in. The smallest letter and numeral shall not be less than 1/8" in height.



Article 3. Container Requirements

BPC 13720 – Each brake fluid container with a capacity of six fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid. The container closure shall include a tamper-proof feature that will either be destroyed or substantially altered when the container closure is initially opened.

BPC 13731 – This section provides the Department and County Sealer the authority to order off sale mislabeled product in Business and Professions Code, Chapter 15, Automotive Products.

BPC 13740 – Unlawful to sell or distribute mislabeled product.

BPC 13741 – Unlawful to make deceptive, false or misleading statements by any means whatever regarding quality, quantity, and performance.

ENFORCEMENT GUIDELINES FOR PRODUCT LABELS

TECHNICAL VIOLATIONS – The required information is there but is of an incorrect size. Issue a Notice of Violation (NOV) to the retailer, the distributor, and the manufacturer indicating the appropriate code sections and describing the violation. Include the Program Supervisor, Liaison and Training Unit, Weighmaster/Petroleum Branch, Division of Measurement Standards, as the contact on the NOV.

Chapter 14 Products

- Motor Oil
  - Lettering size
  - Product name
  - Brand name
  - SAE viscosity
  - API service classification that is incomplete on containers of a gallon or less

- Two-cycle Engine Oil
  - Lettering size
  - Product name
  - Brand name

- Kerosene
  - Lettering size
  - Product name
  - Brand name

- Gear Oil
  - Lettering size
  - Product name
  - Brand name
  - SAE viscosity
  - API service classification that is incomplete

If only the identification, responsible party and quantity statement is missing, refer the label to the regional Quantity Control Specialist.

Chapter 15 Products

- Automatic Transmission Fluid
  - Product name
  - Brand name
  - Duty type
  - Responsible party and quantity

- Engine Coolant/Prediluted Engine Coolant
  - Product name
  - Brand name
  - Intended application (passenger car and light duty trucks)
  - Chart for freeze point protection (concentrate only)
  - Boiling point statement
  - Batch number
  - Principal Ingredient
  - ASTM standard which it meets
  - "DO NOT ADD WATER" for prediluted product
  - Responsible party and quantity

- Brake Fluid
  - Lettering Size – Brand name
  - NHTSA – USDOT requirements
  - Quantity
  - Batch number

ENFORCEMENT GUIDELINES FOR PRODUCT LABELS

SERIOUS VIOLATIONS – Labels that are missing information that is necessary for the consumer to make an informed decision on whether or not to purchase the product; create a health or safety concern; or that are false, deceptive, or misleading - remove the product from sale and issue a Notice of Violation (NOV) to the retailer, the distributor, and the manufacturer indicating the appropriate code sections and describing the violation. Take further enforcement action as appropriate. Include the Program Supervisor, Liaison and Training Unit, Weighmaster/Petroleum Branch, Division of Measurement Standards, as the contact on the NOV.

Chapter 14 Products

Any product that has a label containing deceptive, false or misleading statements regarding the brand, quality, quantity, or performance on its label. **BPC Sections 13413 and 13482**

- Motor Oil – SA through SG when the container does not have the exact caution statement.

Chapter 15 Products

Any product that has a label containing deceptive, false or misleading statements regarding the brand, quality, quantity, or performance on its label. **BPC Section 13740 and 13471**

If you have questions as to the seriousness of the violation, check with your supervisor and sample the product.

Motor Oil Labeling Requirements – (Chapter 14)

- Product name

  The terms “motor oil”, “engine oil”, engine lubricant” or “lubricating oil” can be used. Oil intended for motorcycle use may have the words “motorcycle oil” for the product name. For containers greater than 1 gallon, the letters must be at least 1/2" high. For containers of 1 gallon or less, the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13401(f), 13480(a) and 13480(e)

- Brand name or trademark or trade name

  Containers greater than 1 gallon the letters must be at least 1/2" high. For containers of 1 gallon or less the letters must be at least 1/4 inch in height and 1/16" in width.
  BPC Sections 13480(a) and 13480(e)

- Viscosity grade classification shall be preceded by the letters “SAE”

  Viscosity grade and the letters “SAE” must be at least 1/2" in height for containers greater than 1 gallon. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width. **BPC Sections 13480(b) and 13480(e)**

- API Service Classification

  The SAE/API service classification must be in letters at least 1/8" in height.
  BPC Section 13482 and CCR Section 4150

- Statement of use

  - For **current classification** motor oils in containers of a gallon or less, which are **intended for use in gasoline engines (not diesel engines)**, a statement indicating the automobile model years or condition of service as specified in SAE J 183 is required.
    BCP Section 13482

  - For **obsolete classifications** (SA, SB, SC, SD, SE, SF and SG)**** the exact recommended – labeling practice statement** found in Appendix A of J183 **is required as follows:**

    SA --- “CAUTION – THIS OIL IS RATED API SA. IT CONTAINS NO ADDITIVES. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY ENGINE PERFORMANCE OR EQUIPMENT HARM.”

    SB --- “CAUTION – THIS OIL IS RATED API SB AND IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1963. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM”

    SC --- “CAUTION – THIS OIL IS RATED API SERVICE SC AND IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AT 1967. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM.”

SD --- “CAUTION – THIS OIL IS RATED API SERVICE SD. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1971. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM.”

SF --- “CAUTION – THIS OIL IS RATED API SERVICE CATEGORY SF. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1988. IT MAY NOT PROVIDE ADEQUATE PROTECTION AGAINST THE BUILD-UP OF ENGINE SLUDGE.”

SG --- “CAUTION – THIS OIL IS RATED API SERVICE CATEGORY SG. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1993. IT MAY NOT PROVIDE ADEQUATE PROTECTION AGAINST THE BUILD-UP OF ENGINE SLUDGE, OXIDATION, OR WEAR.”

**** If the statement is not exact issue a NOV and remove the motor oil from sale.**

SAE J183 does not provide labeling recommendations for classifications which are still current (SH, SJ, SL and SM). Labels on these motor oil containers should contain a general description of the automobiles that the oil is designed to be used in. If you have a question regarding the service classification label on a current oil, check with your supervisor for guidance.

Two-Cycle Engine Oil Labeling Requirements – (Chapter 14)

- Product name

  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a), 13480(e)

- Brand name or trademark or trade name

  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a) and 13480(e)

- Statement of use for gasoline engines

  Not required. (J 183 is not related to 2-cycled engines)

  NOTE: Do not sample this product – there are no test methods available.

Kerosene Labeling Requirements – (Chapter 14)

- Product name

  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a) and 13480(e)

- Brand name or trademark or trade name

  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a) and 13480(e)

- Grade or brand name designation

  The ASTM grade classification 1-K or 2-K must be at least 1/2" in height for containers greater than 1 gallon. Containers of 1 gallon or less the grade classification must be at least 1/4" in height and 1/16" in width. **BPC Sections 13480(a) and 13480(e)**

Gear Oil Labeling Requirements – (Chapter 14)

- Product name

  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a), 13480(e)

- Brand name or trademark or trade name
  Containers greater than 1 gallon the letters must be at least 1/2" high. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width.
  BPC Sections 13480(a) and 13480(e)

- Viscosity grade classification shall be preceded by the letters “SAE”

  Viscosity grade and the letters “SAE” must be at least 1/2" in height for containers greater than 1 gallon. Containers of 1 gallon or less the letters must be at least 1/4" in height and 1/16" in width. **BPC Sections 13480(b) and 13480(e)**

- API Service Classification

  The SAE/API service classification must be conspicuously marked on the container.
  BPC Section 13482

Engine Coolant (Concentrated Product) Labeling Requirements – (Chapter 15)

- Product name

  The terms “engine coolant” or “antifreeze” must be used. The product name must be at least 1/8" high on containers one quart or less. The product name must be at least 1/4" high on containers greater than one quart. The product designation must be on the front label.
  BPC Section 13711(a)(4)

- Brand Name

  The brand name must be at least 1/8" in height.
  BPC Section 13711(a)(1) and CCR Section 4161

- Principal Ingredient

  The principal ingredient is the major chemical component in the engine coolant (i.e., ethylene glycol or propylene glycol). **BPC Section 13711(a)(1)**

- Intended application

  The application for which the product is intended to be used (i.e., automotive and light duty use). **BPC Section 13711(a)(1)**

- Name and place of business (of manufacturer, packer, seller, or distributor).
  BPC Section 13711(a)(1)

- Accurate statement of quantity (in terms of liquid measure).
  BPC Section 13711(a)(1)

- Chart

  Showing appropriate amounts of coolant and water in terms of liquid measure, to provide freeze protection, to at least 30 degrees below zero Fahrenheit**. BPC Section 13711(a)(2)**

- Boiling point statement

  Showing the boiling point of 50% mix by volume of coolant and water in degrees Fahrenheit.
  BPC Section 13711(a)(3)

- If principal ingredient is propylene glycol

  Statement stating not to use an ethylene glycol hydrometer for propylene glycol coolants.
  BPC Section 13711(a)(5)

- Lot or batch number

  Must appear on the container and carton identifying the lot and date of packaging. For coolants serviced on site or delivered into a bulk container, the date of the service or delivery is acceptable as the batch number. Bulk product introduced into a large tank may be continually changing. It is reasonable to use a tracking system where the product, date, and quantity delivered is charted and marked each time a delivery is made. **BPC Section 13711(a)(6)**

- Applicable ASTM standard designation the engine coolant meets – ASTM D3306 or D6472.
  BPC Section 12027 and CCR Section 4161

Prediluted Engine Coolant Labeling Requirements – (Chapter 15)

- Product name

  The terms “prediluted engine coolant” or “prediluted antifreeze” must be used. The product name must be at least 1/8" high on containers of a quart or less. The product name must be at least 1/4" high on containers greater than a quart. The product designation must be on the front label. **BPC Section 13711(b)(4)**

- Brand Name

  The brand name must be at least 1/8" in height.
  BPC Section 13711(b)(1) and CCR Section 4161

- Principal Ingredient

  The principal ingredient is the major chemical component (other than water) in the prediluted engine coolant (ethylene glycol or propylene glycol). **BCP Section 13711(b)(1)**

- Intended application

  The application for which the product is intended to be used (i.e., automotive and light duty use). **BPC Section 13711(b)(1)**

- Name and place of business (of manufacturer, packer, seller, or distributor).
  BPC Section 13711(b)(1)

- Accurate statement of quantity (in terms of liquid measure).
  BPC Section 13711(b)(1)

- Freeze point in degrees Fahrenheit **BPC Section 13711(b)(2)**

- Boiling point in degrees Fahrenheit. **BPC Section 13711(b)(3)**

- The words: “DO NOT ADD WATER”

  This warning must be at least 1/8" high on containers one quart or less and at least 1/4" high on containers greater than one quart. **BPC Section 13711(b)(5)**

- If principal ingredient is propylene glycol

  Statement stating not to use an ethylene glycol hydrometer for propylene glycol coolants.
  BPC Section 13711(b)(6)

- Lot or batch number

  Must appear on the container and carton identifying the lot and date of packaging. For coolants serviced on site or delivered into a bulk container, the date of the service or delivery is acceptable as the batch number. Bulk product introduced into a large tank may be continually changing. It is reasonable to use a tracking system where the product, date and quantity delivered, is charted and marked each time a delivery is made. **BPC Section 13711(b)(7)**

- Applicable ASTM standard designation the engine coolant meets – ASTM D3306 or D6471. **BPC Section 12027 and CCR Section 4161**

Automatic Transmission Fluid Labeling Requirements – (Chapter 15)

- Product name

  The term "Automatic Transmission Fluid" must be used; the letters "ATF" only are **not** acceptable. **BPC Section 13711(c)(1)**

- Brand Name **BPC Section 13711(c)(1)**

- Duty type classification

  The type of transmissions for which the fluid is intended or the automotive manufacturers' standard(s) the product meets. **BPC Section 13711(c)(1)**

- Name and place of business (of manufacturer, packer, seller, or distributor). **BPC Section 13711(c)(1)**

- Accurate statement of quantity (in terms of liquid measure). **BPC Section 13711(c)(2)**

Brake Fluid Labeling Requirements – (Chapter 15)

- Brand Name

  The brand name must be at least 1/8" in height. Any numerals used in connection with the brand name can not exceed the dry equilibrium boiling point. This does not preclude the use of numerals which could not be confused with the dry equilibrium boiling point. **BPC Section 13711(d)(1) and CCR Section 4112**

- Label must conform to the requirements of the National Highway Traffic Safety Administration, United States Department of Transportation (DOT).

  These requirements can be found in DOT Motor Vehicle Safety Standard Number 116. **BPC Section 13711(d)(1)**

- Accurate statement of quantity (in terms of liquid measure). **BPC Section 13711(d)(2)**

- Containers of 6 fl. oz. or greater require an inner seal that is destroyed when the container is first opened. **BPC Section 13720**

- Containers must have a batch number on them. **BPC Section 13711(d)(1)**

State of California

M e m o r a n d u m

To : Weighmaster/Petroleum Branch Staff

Date : June 2, 2005

Place : Sacramento

Phone : (916) 229-3044

From : **Department of Food and Agriculture** - Dennis Johannes, Assistant Director

Subject: Petroleum and Automotive Labeling

Labeling of petroleum and automotive products and how to handle improperly labeled or mislabeled products has become an increasing concern for Branch staff.

A review of the laws and regulations relating to the labeling of products and removal of products from sale, as well as concerns for due process have led to the following guidelines which should be applied in making an enforcement decision.

1. Labels on products where the letter height is incorrect, or the information is on the label but is not worded precisely as stated in the law or regulation (not exactly as we would like to see it) and the label is not false, deceptive, or misleading.

   A Notice of Violation for labeling will be issued to the packer/distributor and the product will not be removed from sale. The Program Supervisor will contact the company and advise them of the necessary corrections. A date for the use of new labels will be determined and agreed to. Follow up will be done after the time the new labels are to be in usage to determine that they are being used.

2. Labels on products that are missing information required by law or regulation that is necessary for the customer to make an informed decision on whether or not to purchase the product, or that create a health and safety concern, or labels that are false, deceptive or misleading.

   A Notice of Violation for labeling will be issued to the packer/distributor/retailer and the product will be removed from sale. The Program Supervisor will contact the company and advise them of the necessary corrections. A date for the use of new labels will be determined and agreed to. Follow up will be done after the time the new labels are to be in usage to determine that they are being used.

   No product is to be removed from sale strictly for labeling violations without prior approval from the Weighmaster Enforcement/Petroleum Products Branch Chief.

PETROLEUM AND AUTOMOTIVE PRODUCTS

ADVERTISING REQUIREMENTS

SECTION 2

PRICE SIGN ADVERTISING

Chapter 14, Petroleum, Article 12 pertains to requirements and limitations on price sign advertising for motor vehicle fuels and motor oils. The wording in the law is detailed and may not readily convey the meaning of each section.

This section is provided for convenient reference in explaining the requirements to a dealer or for use by an inspector. In some instances, a rewording of each section is made to show a dealer the actual purpose without the legal detail in the Business and Professions Code and California Code of Regulations that could be confusing. This can be supported by reference to the sections in Article 12 when necessary. The balance of this coverage includes descriptions and illustrations to show examples that can be followed to gain compliance.

BPC 13400 – Defines "***Advertising Medium***" to include banner, sign, placard, poster, streamer, and card.

CCR 4200 – Defines "***Advertising Medium***" to include banner, sign, placard, poster, streamer, and card, *whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other*, provided, the advertising statements **can reasonably be read as one advertising message**.

BPC 13401(c) – Defines "***Petroleum Products***" to mean gasoline (not the word *gas*), diesel fuel, liquefied petroleum gas (LPG) when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas (LNG), pressure appliance fuel, or white gasoline, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axels.

- This definition should be understood and applied when interpreting code requirements dealing with dispenser/container labeling, and with applicable, advertising requirements.

BPC 13401(i) – Defines *"**Motor Vehicle Fuel**"* to mean any product intended for consumption in an internal combustion engine (such as gasoline, LNG, diesel) to produce power to self-propel a vehicle designed for transporting persons or **property on a public street or highway**.

- Red dyed diesel (tax exempt), commonly called Ag Fuel, is not intended for highway or public street use.
- Marinas and aircraft fueling points do not fall under this section.
- Be aware of the intended use of the fuel and access provided to fueling vehicles.

BPC 13531(a) – States "Every person offering for sale or selling any motor vehicle fuel to the public"…"shall display on the premises an advertising medium…"

- Specified geographical areas such as scenic corridors are exempt from this section. However, once any advertising is made at an exempt location then all requirements must be met.
- Marinas and aircraft fueling points do not fall under this section.
- Since cardlock fueling points, warehouse clubs that sell fuel, and the like, restrict access by the motoring public, they are not required to maintain a price sign.

Chapter 14 - Petroleum

Article 12 - Price Sign Advertising

BPC 13530(a) – Provides that the numerals on any gasoline price advertising sign must be identical in value with those displayed on the pump computer for the same product.

BPC 13530(b) – Provides that no explanation of trading stamp value is required on dispensing apparatus or elsewhere.

BPC 13531(a) – Requires all persons who sell motor vehicle fuel to the public from a place of business in this state to post a sign (**mandatory advertising medium**) indicating the prices of the three major (highest volume) grades of motor vehicle fuel sold (propane sales are exempt from this requirement). Such signs must be clearly visible from the street or highway adjacent to the station. In cases where the station is situated at an intersection, the sign would have to be visible to motorists on each street of the intersection.

BPC 13531(b) – Exempts businesses on scenic corridors from displaying prices.

BPC 13531(c)

(1) Infraction violation explained; and
(2) Misdemeanor violation explained.

BPC 13532(a) – All gasoline or other motor fuel price signs must include:

(1) The total price per gallon or liter including all taxes.
(2) The trademark or brand of the motor fuel.
(3) The word “gasoline” or the name of the other motor fuel.
(4) The grade designation of the motor fuel.
(5) The word “liter” if the prices are advertised by the liter.

BPC 13532(b)

(1) It is unlawful for any person to display an advertising medium that advertises a discount or price reduction for motor fuel, unless the advertising medium contains all the following:

    (a) The price per gallon or liter from which the discount or price reduction is to be taken.

    (b) The amount of the discount or price reduction in cents per gallon or liter using numerals which do not exceed the height of the numerals in the advertised price.

    (c) The conditions of the discount or price reduction using words whose letters are not less than one-third the size of the price numerals.

(2) Limitations of the discount.

(3) A chart showing the amount of discount in one-cent increments shall be available for each customer’s reference, or dispensers shall be set to compute the sale at the discounted price and shall be labeled “Includes Cash Discount” in letters not less than one inch in height.

(4) The motor fuel shall be sold in the same unit of measure as the price and discount are advertised.

BPC 13532(c) – When the lower price is advertised, requires the advertising of each of the higher prices and conditions of sale of any grade of motor fuel sold at different prices.

BPC 13532(d) – Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media which state either (1) the amount of discount in cents per gallon or liter, or (2) the price of one or more brands or grades of motor fuel sold or offered for sale, provided the conditions and any limitations of the discount or price of the brand or grade of motor fuel are included in the additional advertising media in letters not less than one-third the size of the numerals **indicating the discount or price.**

BPC 13533 – Requires motor oil signs which advertise a price to conspicuously identify the brand and product.

BPC 13534(a) – Additional Advertising Matter

Except as provided by subdivisions (b), (c), and (d) of BPC Section 13532, it is unlawful for any person to place any additional advertising matter on any advertising medium referred to in this article except:

(1) A description of the products offered for sale in letters or numerals not larger than the price numerals.

(2) Methods of sale, such as self-serve or full-serve, in letters no less than one-third the size of the price numerals.

(3) Words describing the type of services offered at the place of business, such as food market, car wash, tune-up, and the registered trademark or trade name of the service, but not the price of the service.

BPC 13534(b) – Subdivision (a) does not apply to electronic changeable message centers when the advertising content includes both the product offered for sale and its price in a single advertising message, or when the product and price components of the advertising message clearly relate to one another and the price neither starts nor ends the message.

BPC 13535 – Requires the use of the “No Brand” for fuels and oils that are advertised but have no brand designation.

BPC 13536 – Requires all letters and numerals to be of heavy stroke and color that is clearly visible against contrasting background and specifies height to width ratio of all letters and numerals except “l” and numeral one (1).

BPC 13540 – Allows counties and cities to establish sign ordinances. Can not restrict requirements of BPC 13531 and 13532

BPC 13413 – Prohibits dissemination of deceptive, false, or misleading statements.

BASIC REQUIREMENTS FOR MOTOR FUEL PRICE SIGNS

BPC 13532(a)

VISIBLE SIGN	CHARACTER HEIGHT
BRAND	MINIMUM 1/3 (PPG)
GRADE	AT LEAST 1/6 (PPG)
*PPG PPG	BASE SIZE (PPG)
GRADE	AT LEAST 1/6 (PPG)
PPG PPG	BASE SIZE (PPG)
GRADE	AT LEAST 1/6 (PPG)
PPG PPG	BASE SIZE (PPG)
FUEL TYPE	MINIMUM 1/3 (PPG)

* PPG = Price Per Gallon

1. BRAND NAME - Minimum height-one-third the size of the price numerals.

2. The word “GASOLINE” or the name of other motor fuel is required on the sign. The letters must be not less than one-third the size of price numerals, but need not be larger than four inches in height.

3. GRADE not less than one–sixth size of price numerals – Need not be more than four inches in height.

4. PRICE FIGURES - To be all of the same size and color and at least six inches in height. Fractions may be used if equal in size to one numeral.

5. “LITER” – Not less than one-third the size of the price numerals.

BPC 13531(a) - Requires the three major grades of motor fuel to be advertised.

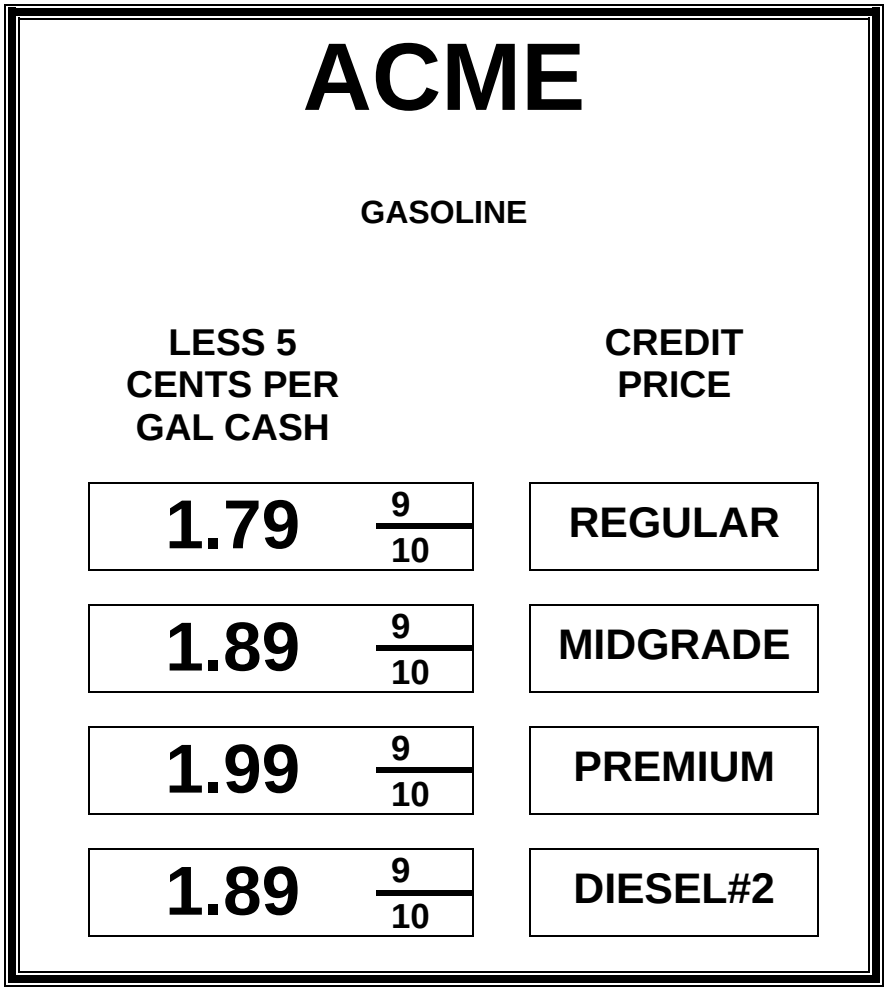
BPC 13536 - Requires all letters, figures and numerals to be of a heavy stroke, a color that contrasts against the background, to be clearly visible, and the height may not exceed twice the width, except the letter “l” and the numeral one (1). **CCR 4202** states that if any advertising message is illuminated, the entire message shall be uniformly illuminated.

DISCOUNT ADVERTISING

BPC 13532(b)

LEGAL

1. The sign must meet the requirements of **BPC 13532(a)**.
2. The posted price must be the price from which the discount is taken.
3. The advertising medium must show the amount of discount in cents per gallon or liter as applicable.
4. The height of the numerals indicating the discount shall not exceed the height of the price numerals.
5. The words explaining the conditions of the discount must be at least one-third the size of the numerals indicating the prices.
6. The gasoline or other motor fuel shall be sold in the same unit of measure (gallon or liter) in which the discount and price are advertised.
7. A chart showing the amount of discount in one-cent increments shall be available for each customer's reference or dispensers shall be dedicated to cash and credit prices.
8. The dispensers set to compute sales at the cash price shall be labeled "Includes Cash Discount" in letters not less than one inch in height.

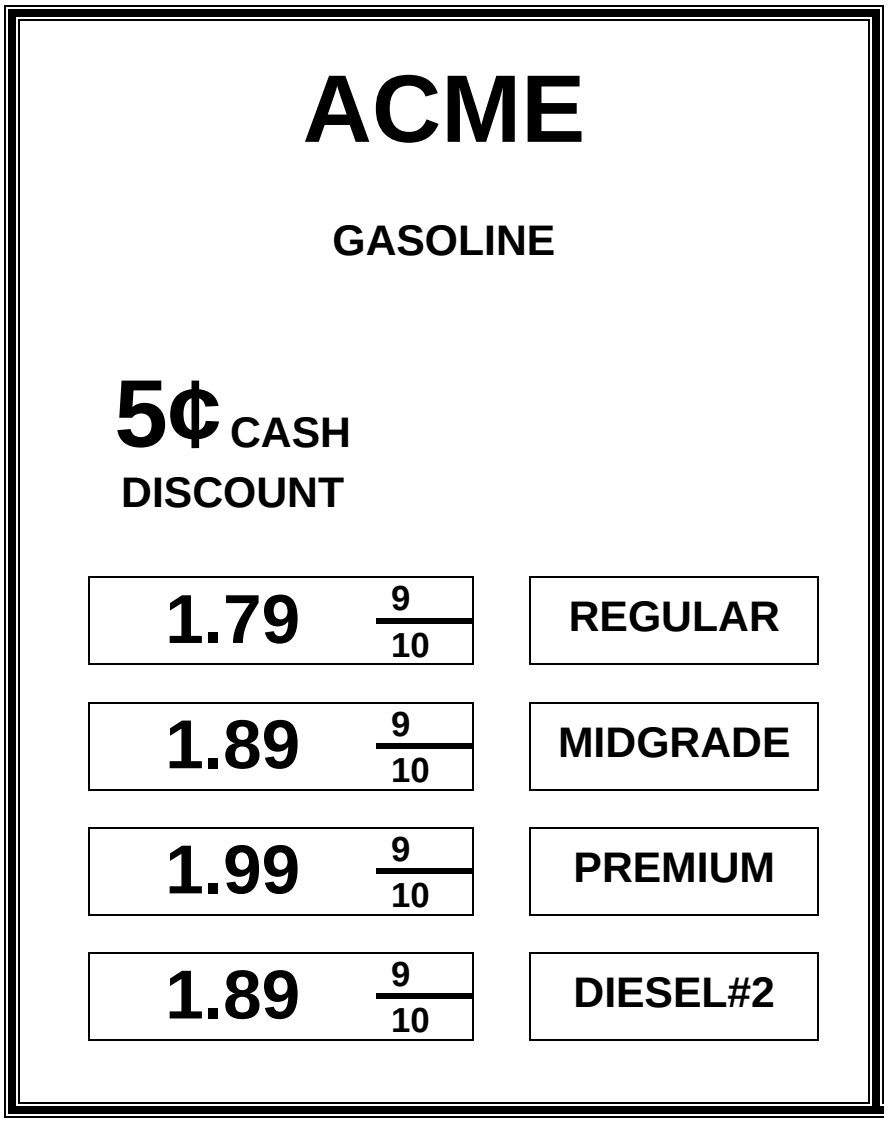


THIS SIGN IS NOT ACCEPTABLE

BPC 13532(b)

ILLEGAL

1. The sign does not clearly indicate that the discount is to be deducted from the advertised price.
2. The advertising does not state the conditions for the discount.
3. The "5¢" is larger than the numerals indicating the prices.
4. The sign would not comply with BPC 13532(b) if displayed alone at a Self-Serve/Full-Serve location.

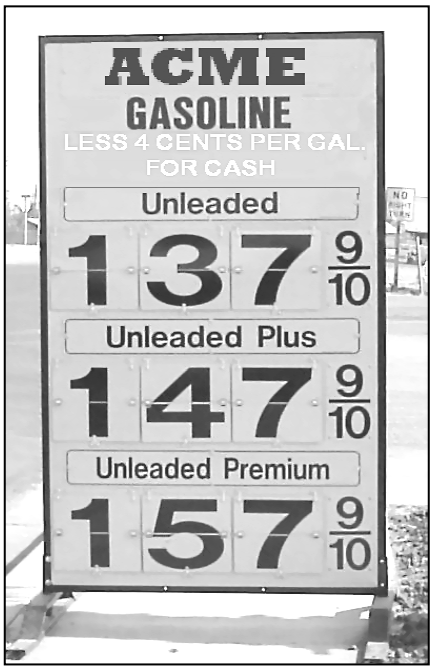


DISCOUNT ADVERTISING
ADDITIONAL REQUIREMENTS
DISPENSERS SET AT THE DISCOUNT PRICE

BPC 13532(b)(3)

Basic dispenser labeling requirements are found in BPC Section 13480.

ADDITIONAL ADVERTISING



DISPENSER SET AT DISCOUNT

If dispensers are set to compute sales at the discount price, the dispenser shall be labeled “Includes Cash Discount” in letters not less than one inch in height.

BPC 13470 When a discount for cash is offered from a dispenser computing only at the credit price, at least one sign or label will be displayed on the dispenser that the dispenser is computing at the credit price and indicate the discount amount per gallon (or liter) in letters and numerals not less than 1/2" high.

EXAMPLE OF A CHART OF DISCOUNTS
(5¢ per gallon)

GALLONS		DISCOUNT
0.0	00.0	.00
0.1	00.2	.01
0.3	00.4	.02
0.5	00.6	.03
0.7	00.8	.04
0.9	01.0	.05
1.1	01.2	.06
18.7	18.8	.94
18.9	19.0	.95
19.1	19.2	.69
19.3	19.4	.97
19.5	19.6	.98
19.7	19.8	.99
19.9	20.0	1.00

BPC 13532(b)(3) – A chart showing the amount of the discount in one-cent increments is required if dispensers are not set to compute at the discount price. This chart must be available for each customer's reference.

Discounts

A discount is a reduction from the standard price. Discounts must express the amount of monetary reduction per unit of measure, the product and grade(s), and the condition/action necessary to receive the cost reduction. Discounts are applied to the price at the time of sale and the customer receives the price reduction at that time. For example: "**Less 5 Cents per gallon on all grades of gasoline for cash.**"

Presenting the customer with a surcharge to use a credit card is illegal. **CA Civil Code Section 1748.1** states: No retailer in any sales, service, or lease transaction with a consumer may impose a **surcharge** on a cardholder who elects to use a **credit card** in lieu of payment by cash, check, or similar means. A retailer may, however, offer discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a **credit card**, provided that the discount is offered to all prospective buyers.

Advertising a discount does not require a station owner to post the different costs for the same product as long as BPC 13532(b) requirements are met. It is up to the customer to determine if they want to take advantage of the offer and what it will bring.

However, if a **PRICE is calculated by the seller** using the discount and the calculated price is advertised anywhere at the location (inside or outside) other measures must be taken by the seller and verified by the weights and measures official. Once a "lower price" is advertised the mandatory advertising medium MUST list the higher and lower prices for all three of the highest volume products sold and the conditions of sale for those prices. The advertising might not be the largest or tallest medium but it must be the **MANDATORY ADVERTISING MEDIUM and meet all the requirements of BPC 13531(a) and 13532(a)(c).**

Rebate/Reward

A rebate or reward is a deduction from the price paid that the customer receives at a later date or as a credit against the bill owed.

PRICE INDICATOR REQUIREMENTS

Example

When a price sign is displayed on a dispensing apparatus, whether as the principal indication of price or in addition to the price indicator, the content and letter/numeral size of the sign is specified by Article 8, Chapter 7, Title 4 of the California Code of Regulations.

BPC 13470 – No person shall sell any motor fuel unless there is displayed on the dispensing apparatus in a conspicuous place, at least one sign or price indicator showing the actual total price per gallon/liter of all motor fuel sold therefrom. The actual price per gallon/liter shall include all fuel and sales taxes.

BPC 13473 – All letters, figures or numerals on each sign required by this article shall be at least 3/4" in height and 1/8" in width stroke.

BPC 13474 – All letters, figures or numerals required by this article shall be plainly legible. The color tint shall contrast with the background and other parts of the sign.

CCR 4201 – In addition to the requirements of BPC 13470 and BPC 13480, any sign referring to the price of motor vehicle fuel displayed on a dispensing device is limited to:

- The actual price per gallon/liter.
- Conversion chart information for liter sales as required by **BPC 13470**.
- Brand Name and name of product may be displayed.

Note: ***CCR 4201*** *permits, but does not mandate, the brand name of product to be displayed on these signs.*

BASIC REQUIREMENTS FOR MULTI-PRICING MOTOR FUEL ADVERTISING

BPC 13532(c) – Brand name minimum one-third size of price numerals.

Price figures to be all the same size and color and at least 6" in height. Fractions or decimals may be used if equal in size to one numeral.

Words explaining the difference in price for the same grade to be a minimum of 1/3 the size of the price figures.

Grade at least 1/6 size of price numerals but need not be larger than 4" in height.

The prices must be advertised in the same form – either in gallons or in liters.

The word “Gasoline” at least 1/3 size of price numerals but need not be larger than 4" in height.

BPC 13536 – All letters, words, figures and numerals shall have a heavy type face or stroke, shall be clearly visible, shall be a color that contrasts with the background, and the height shall not exceed twice the width.

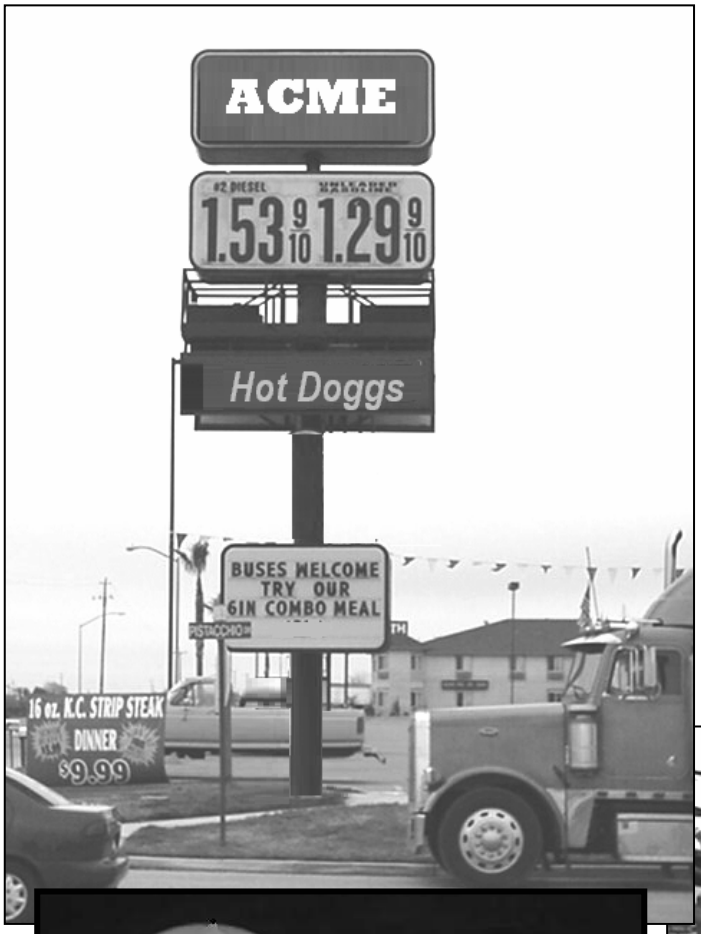
ADDITIONAL SIGNS

BPC 13532(d) – Provides that any person who has posted or displayed any sign or advertising medium that conforms to the requirements of Chapter 14, would not be prohibited from displaying any additional signs or advertising media that state the amount of the discount in cents per gallon or liter or the price of one or more grades of motor fuel sold on the premises. Additionally, the conditions of the discount or price of motor fuel is required in letters at least one-third the size of the numerals indicating the discount or prices.

ADDITIONAL SIGNS

BPC 13532(d) – Does not prohibit additional signs off the premises when a legal sign is displayed on the premises.

LEGAL

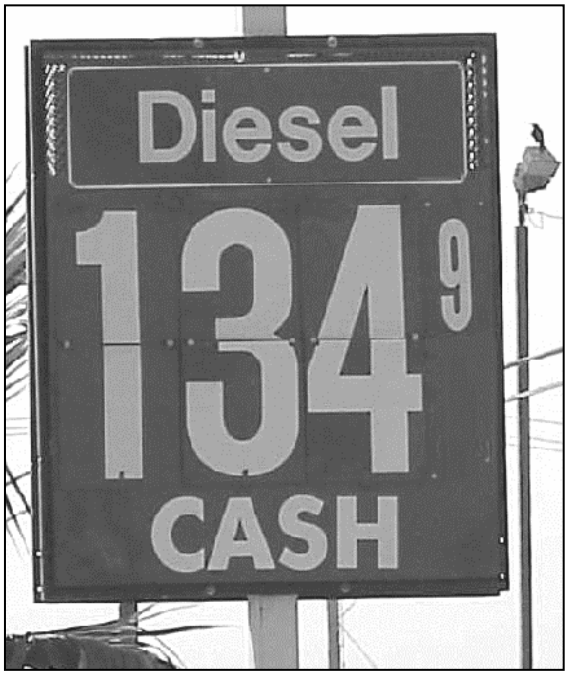


BPC 13532(a) – Requires that every price advertising sign show the word “Gasoline” or the name of the other motor fuel and the brand and grade of the product advertised for sale.

Make sure size requirements for both the product, such as *Gasoline* (1/3 PPG but need not be more than 4") and grade, such as *Unleaded* (1/6 PPG but need not be more than 4") are met. *Product* is sometimes combined into the *Grade* designation and is at the 1/6 size instead of 1/3 size. If letters are 4" than both size requirements are met.

ILLEGAL

Missing Grade, Brand, Tenths and Condition of Sale is not 1/3 size of PPG



Missing Brand and Product

ILLEGAL

Product Not Identified, Discount Not Specified

Brand Not Identified, Condition Smaller Than 1/3 PPG, Missing Tenths

SERVICE AND PRODUCTS ON A MOTOR FUEL/OIL ADVERTISING MEDIUM

BPC 13534(a) – Limits the additional advertising that can be placed on motor fuel or motor oil price signs to the following exceptions:

- Words of description of the products.
- The method of sale.
- Words describing the type of service offered, excluding prices.
- The registered trademark or trade name of the service.

BPC 13534(b) – Allows the price of a product offered for sale to be placed on electronic changeable message center provided the advertising content includes the product offered for sale and its price in a single message or when the product and price components of the message clearly relate to each other and the price neither starts or ends the message.

BPC 13413 – Any other advertising message would have to be on a separate sign or advertising medium which should not be positioned in a manner that it could be read in conjunction with a motor fuel price sign creating a misleading message.

A rigid rule for this could not be established without detracting from the discretion of enforcement personnel in appraising the effect and impact of such signs. Apply this test, does the overall impression given to a motorist driving up to the station truly convey the price of the gasoline sold there without confusion and without requiring a second look?

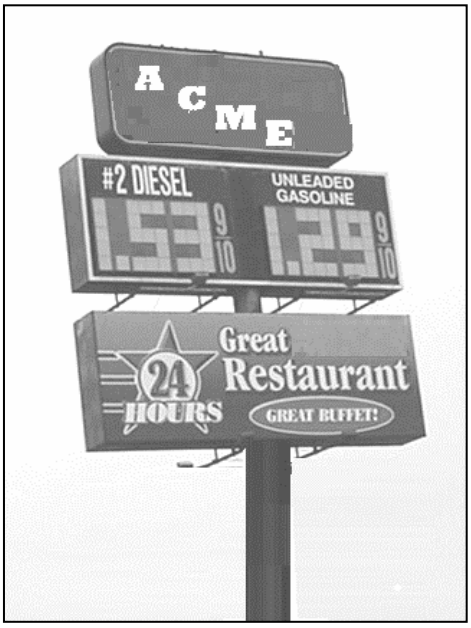
BPC 13413 – Any sign that advertises gasoline or other motor fuel that is not actually sold at the place of business is illegal whether the price is included on the sign or not.

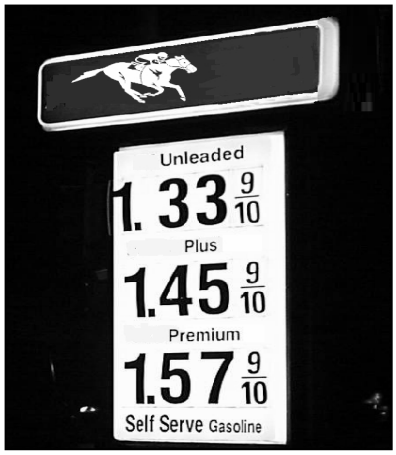
LEGAL

BPC 13532 – The sign must meet requirements for price numeral, grade, and product requirements.

BPC 13534(b) – Words describing additional services available, excluding the price of the additional services.

BPC 13534(c) – Registered trademark or trade name associated with the additional service. Motor fuel pricing meets the requirements provided the brand name is correct.





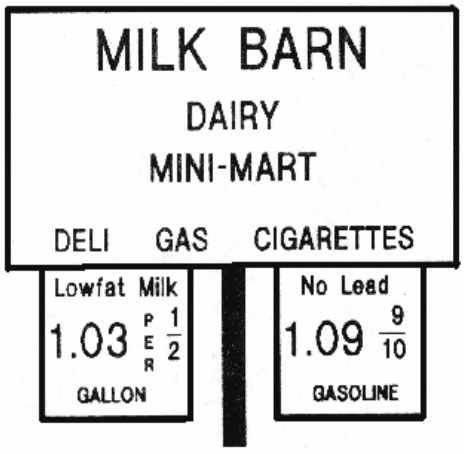
Method of sale (Self Serve) is allowed. Minimum letter height is one-third the size of the price numerals.

ILLEGAL

MOTOR FUEL PRICES ONLY

This example does not meet the requirements of several sections. Among the violations is **BPC 13534(c)**. Price for service (certified scales) is listed and price for subs violates **BPC 13413(h)**.

BPC 13413(h) – No other prices allowed. Placement of milk price and gasoline price on same medium is misleading. Milk price could be mistaken as a motor fuel price.



ILLEGAL

Cigarette Price Not Allowed.

Watch for Grade and Product lettering being the same size. It is alright if both are at least 4", otherwise Product must be 1/3 the size price per gallon and the grade 1/6 the size of the price per gallon.

ALTERNATIVE FUELS

E-85 Ethanol Fuel

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the of price numerals, the grade (E-85) in letters and numerals 1/6 the height of the price numerals, the product name (Ethanol Fuel) in letters 1/3 the height of the price numerals

M-85 Methanol Fuel Blends

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the price numerals, the grade (M-85) in letters and numerals 1/6 the height of the price numerals, the product name (Methanol Fuel) in letters 1/3 the height of the price numerals.

Biodiesel Fuel

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 and the California Code of Regulations, Title 4, Section 4148 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the price numerals, the grade (BXX) in letters and numerals 1/6 the height of the price numerals, the product name (Biodiesel Fuel) in letters 1/3 the height of the price numerals.

BASIC REQUIREMENTS FOR MOTOR OIL PRICE SIGNS

BPC 13533

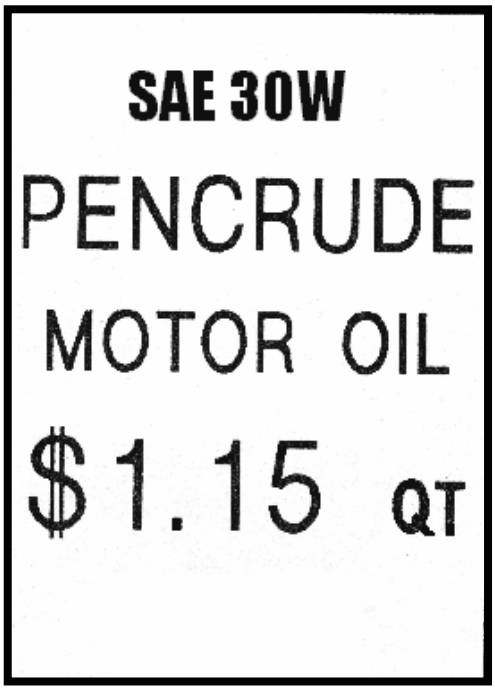
BRAND of the motor oil must be at least one-half the height of the price numerals.

PRODUCT name, such as “motor oil”, must be at least one-half the height of the price numerals.

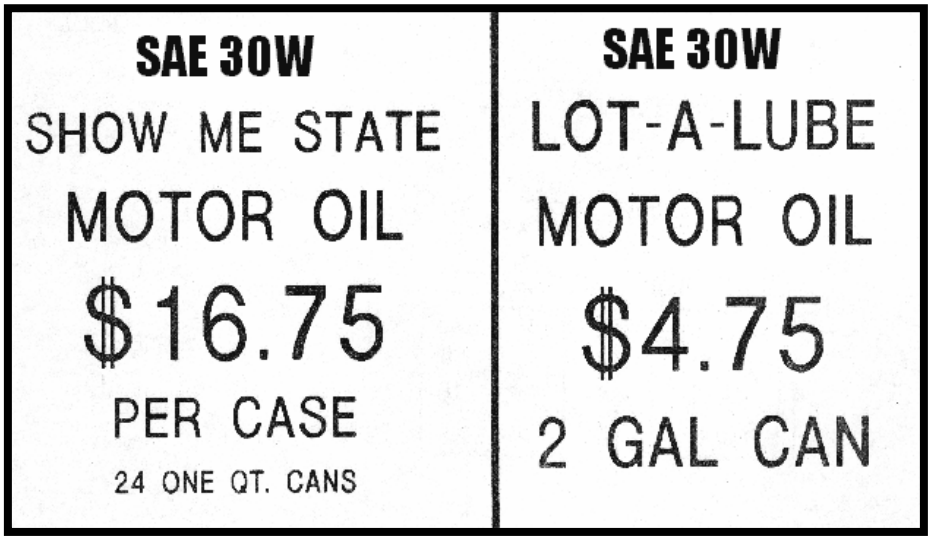
BPC 13480(b), 13482

Price sign must have **grade designation (SAE/API)**.

PRICE numerals may be of any convenient size.



ALL letters, words, figures, and numerals shall have a heavy typeface or stroke, be clearly visible, and be a color that contrasts with the background. The height of the letters, words, figures, and numerals, except the letter “l” and the numeral one (1), shall not be more than twice the width. **BPC 13536**



PETROLEUM AND AUTOMOTIVE PRODUCTS

INSPECTIONS AND SAMPLING PROCEDURES

SECTION 3

Revised 04/05

INSPECTION PROCEDURES OUTLINE

Weights and measures officials are to be familiar and knowledgeable with the laws and regulations as they apply to the petroleum industry. After the weights and measures officials identify themselves to the owner or manager and state the nature of their business, the following procedure outline should be followed. The Petroleum Products Audit Report (page 3-2) is required to be used while conducting a service station inspection. This manual should help to gain uniform inspection procedures and ultimately improve compliance throughout the State.

1. Obtain the business name, address, and name of the owner/operator.

2. Check location and content of all price advertising signs. ***BPC 13531/13532***

   A. Check visibility of signs from adjacent street(s).
   B. Check price numerals, brand or trademark, product, and grade.
   C. Check conditions of sale, if any.

3. Check labeling on all petroleum product dispensers. ***BPC 13474/13480/13530(a)***

   A. Check price indicators on dispensers for agreement with price signs.
   B. Check brand or trademark, product, and grade.
   C. Check octane label.

4. Check fuel storage labeling. ***BPC 13480(a)***

   A. Check tag or label for brand or trademark, product, and grade.
   B. Check to see if tag or label information agrees with advertising signs and fuel dispensers.
   C. The required label must be visible when the cover plate to the underground storage tanks is opened. It should not require the removal of the debris bucket to see the label.

5. Check additional required signs. ***BPC 13651/13660***

   A. Check for “provision of air, water and pressure gauge”.
   B. Check for “refueling services to disabled drivers”.

6. Observe and make notes of any opened and filled containers of petroleum and automotive products (i.e., motor oil, brake fluid, automatic transmission fluid, and engine coolant), such as quart cans, labeled with various brand names. Consult with the Weighmaster/Petroleum Branch representative on the advisability of making undercover purchases at that location.

7. If there is a reason to believe a product is contaminated, a sample should be taken and submitted to one of the Division of Measurement Standards Petroleum Laboratories.

8. Any corrective action taken by the weights and measures official should be based on the existing law. All necessary evidence such as photographs, drawings, samples, and statements should be obtained for any court action. Depending on judicial requirements in a particular court, it may be necessary to issue a Notice of Violation before the filing agency will accept a complaint. In any case, enforcement action taken should be handled in accordance with the guidelines established in the Citation Manual.

9. Review the Safety Procedures prior to starting product sampling (page 3-4).

If any questions arise during the course of the inspection, a Weighmaster/Petroleum Branch representative should be contacted to gain necessary clarification.

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

41-011 (Rev. 4/03)

PETROLEUM PRODUCTS AUDIT REPORT

DATE: / (1) /

☐ CSA
☐ Follow-up
(2) ☐ Complaint
☐ Survey

ORIGINAL TO COUNTY/STATE
YELLOW TO OWNER/AGENT
PINK TO STATE
GOLD TO REGION/COUNTY

Business Name	Location Address	City	County	Telephone
(3)				(4)

Owners Name	Mailing Address	City	State	Zip Code
(5)				

☐ Service Station C-Store (6) ☐ Quick Lube ☐ Auto Repair ☐ Auto Parts ☐ Store ☐ Other _____

Petroleum Product Samples Taken:

Product	(9)	Grade	No. of Bulk	No. of Prepackaged
Gasoline				
Diesel				
Gear Oil				
Motor Oil				
Brake Fluid				
Coolant/Recycled				
Prediluted Coolant/Recycled				
ATF				

Dispenser Information

	Manufacturer	(10)	Model No.	No. of Dispensers
1.				
2.				
3.				

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF SECTION(S)

(11)

Article 8 & 9 – Price Indications & Labeling

	Violations	CCR	B&P Code	(7)
1.	Deceptive, False, or Misleading		13413	
2.	Price Per Gallon on Dispenser		13470	
3.	Placement of Signs on Dispensers		13471	
4.	Letter Size on Dispenser		13473	
5.	Legibility of Labels		13474	
6.	Labeling Requirements for Dispensers		13480(a)	
7.	Posting Octane on Dispenser		13480(c)	
8.	Premix Motor Fuel		13480(d)	
9.				

Article 9 – Storage Tanks

				(7)
10.	Inlet Fill Pipe Label		13480(a)	
11.	Fill Pipe Label Visibility		13483	
12.				

Article 12 – Price Sign Advertising

				(7)
13.	Deceptive, False, or Misleading		13413	
14.	Price Sign & Dispenser Agree		13530(a)	
15.	Price Sign Required		13531(a)	
16.	Price Sign Contents		13532(a)	
17.	Discount Advertising		13532(b)	
18.	Additional Advertising on Price Sign		13534	
19.	No Brand Requirements		13535	
20.	Legibility / Color of Letters & Numbers		13536	
21.				

Chapter 14. 5 – Service Stations

				(8)
22.	Free Air and Water Sign		13651(a)	
23.	Air and Air Pressure Gauge		13651(a)	
24.	Water		13651(a)	
25.	Disabled Drivers Sign		13660(c)	
26.				

Chapter 14 & 15 – Labeling

				(8)
27.	Motor Oil	4150	13401(f)	
			13480(a)(b)(e)	
			13482	
28.	Gear Oil	4150	13480(b)(e)	
			13482	
29.	Engine Coolant	4161	13711(a)	
30.	Prediluted Coolant	4161	13711(b)	
31.	Automatic Transmission Fluid		13711(c)	
32.	Brake Fluid	4112	13711(d)	
33.	Brake Fluid Dispensing Device		13712	
34.	Recycled Engine Coolant	4161	13711(a)	
35.	Recycled Prediluted Eng. Coolant	4161	13711(b)	

LEFT COPY(IES) AND REVIEWED: CCR ☐ B & P CODE ☐
LABELING GUIDELINES ☐ (12) ADVERTISING GUIDELINES ☐

NOTICE OF VIOLATION ☐ (13) FOLLOW-UP NEEDED ☐

I Acknowledge the Above

(14)

Company Representative Title

(15)

Weights and Measures Official Telephone

PETROLEUM PRODUCTS AUDIT REPORT INSTRUCTIONS

Complete the Audit form based on the following instructions. Make sure to press hard enough so all copies are legible. The numerical order listed for completion of the form is not necessarily the order to be used to conduct the inspection. Do not use the terms “OK”, “Yes “, “All right, or “NA” when completing the Petroleum Products Audit Report.

The following numbers refer to the fields identified on the form.

1. Enter the date of your audit.

2. Mark the appropriate box indicating the type of audit. For example, if this is a county subvention audit, mark the “CSA” box.

3. Enter the business name and address of the location and indicate the county.

4. Enter the telephone number of the location, including area code [i.e., (213) 456-7890].

5. Enter the owner’s name and address.

6. Check the box for the appropriate type of business.

7. Under the sections labeled Articles 8, 9 and 12 enter one mark for each violation on the appropriate line.

8. Under the sections labeled Chapters 14, 14.5 and 15 enter one mark for each violation on the appropriate line.

9. In the section labeled “Petroleum Product Samples Taken”, enter the grade designation and the number of samples taken on the appropriate line for bulk or prepackaged product.

10. In the section labeled “Dispenser Information”, enter the brand name, model number and the number of dispensers at that location.

11. Itemize and describe the violations and reference the correct code sections. This area serves as a Notice of Violation (NOV). Any specific instructions should also be noted here. If you do not observe any violations, do not indicate “everything is OK” or “No violations” on this section. You may have overlooked something.

12. If copies of handouts are left check the appropriate box.

13. When any violations are noted on the form, check the “Notice of Violation” box. If a follow-up is needed, check the “Follow-up Needed” box.

14. Explain the violations to the person in charge and have them print their name, sign and indicate their title. If they refuse to sign, write that notation in the signature area.

15. Sign your name on the Weights and Measures Official line. If two inspectors conduct the audit inspection, both should sign.

    Leave the yellow copy of the audit with the owner/agent.

SAMPLING PROCEDURES

In general, these procedures apply to all products within the scope of the Petroleum Products Program. Extreme care and good judgment is necessary to ensure safety when obtaining samples. Samples obtained must be a true representation of the product being sold. As most petroleum vapors are toxic and flammable, avoid breathing them or igniting them from an open flame or a spark produced by static electricity. Follow all safety precautions specific to the material being sampled.

AUTHORITY TO SAMPLE

California Business and Professions Code, Division 5, Chapter 14, Section 13592, gives you the authority to inspect and sample petroleum products.

> **13592**. The department, each sealer, and any person now or hereafter authorized or empowered by law to inspect the petroleum products referred to in this chapter, may take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale.

California Business and Professions Code, Division 5, Chapter 15, Section 13730, gives you the authority to sample automotive products.

> **13730**. The department and each county sealer shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any product referred to in this chapter manufactured, packed, stored, sold or distributed within this State. The department, through its agents, has free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of, and may, by legal means, open any box, carton, parcel, or container of, any product referred to in this chapter and take therefrom samples for analysis or for evidence.

SAFETY PROCEDURES WHEN SAMPLING PRODUCTS

Purpose and Scope

This manual has been designed to assist you in conducting inspections of petroleum products and contains procedures for:

- Handling Products and Safety
- Inspection
- Sampling
- Ordering Products Off-Sale

One purpose of this manual is to provide uniform inspection, sampling, and enforcement procedures for petroleum products in order to protect consumers and businesses from economic loss resulting from substandard products. This manual is also intended to help you avoid injury when you are handling petroleum products.

This manual does not purport to address all of the safety problems associated with the use of automotive and petroleum products. It is the responsibility of each agency to establish appropriate safety and health practices.

PETROLEUM PRODUCTS HANDLING AND SAFETY

A. Introduction

One of the primary considerations a person must have while at work is safety. Certain occupations carry varying degrees of potential hazards particular to the type of work, the tools involved, and the products encountered. For individuals who sample and test petroleum products, the materials that may be encountered on a day-to-day basis not only may have potential toxic effects, but may be explosive and flammable. The best protection is to learn and observe the correct safety rules for the job and to use common sense. This manual provides some guidelines for properly and safely conducting specific tasks. You also should know and follow the safety requirements established by your agency and the safety rules in effect at the location where you are testing.

B. Safety Equipment

The following is a list of some of the safety equipment that an inspector of petroleum products might use:

1. Eye-wash kit – filled with fresh water.

2. Eye protection – safety goggles.

3 Protective gloves - impervious to gasoline, diesel fuel, or kerosene.

4. Fire extinguisher – dry chemical, rated for class "A," "B," and "C" fires, with current inspection tag. **Be sure you know how to use it.** Reference NFPA 10, "Portable Fire Extinguishers," for additional guidance on selection of an appropriate fire extinguisher.

5. Hazard reflector kit – Do not carry or use road flares.

6. Absorbent material (e.g., sand, kitty litter and absorbent pad) – to minimize flammability and environmental impact in the event of a petroleum product spill.

7. Barrier cream and waterless skin cleanser.

8. First-aid kit.

9. Reflective vest/hard hat.

10. Flashlight – explosion proof; UL listed for Class I, Groups C and D.

11. Tools made of nonferrous materials.

12. Activated carbon canister respirator.

13. Ice chest or similar leak proof box and properly secured in the trunk of a sedan or bed of a pickup for transportation.

    Ensure that your safety equipment is maintained in proper working order at all times. Any problems with safety equipment should be reported to your supervisor so that corrective action can be taken immediately.

C. **Gasoline - General**

The primary petroleum product encountered in the field is gasoline. When you handle this product, remember the following.

1. Gasoline is harmful or fatal if swallowed.

   - Never siphon gasoline by mouth.
   - If someone swallows gasoline, do not induce vomiting – **Call a doctor immediately.**

2. Gasoline vapor is harmful; long term exposure to vapor has caused cancer in laboratory animals.

   - Avoid prolonged breathing of gasoline vapor. Use gasoline only in an area where there is plenty of fresh air. When taking samples, place yourself up-wind so vapors are blown away from you. Keep your face away from any gasoline container opening.
   - If you must work in a high vapor concentration situation, such as when you are emptying sample cans, wear a protective mask with an organic vapor cartridge. Masks should be available at each petroleum laboratory for use by petroleum personnel.
   - Keep gasoline containers closed when not in use.
   - Do not overfill or top off a gasoline tank. Make sure the cap is put back on when the gasoline tank has been filled.

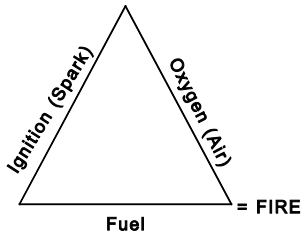
3. Avoid eye and skin contact.

   - Use of a barrier cream is advised.
   - Have eye-wash bottles available in case petroleum products are splashed into your eyes. If you get gasoline in your eyes, flush them for 15 minutes with clean water. If irritation continues, see a doctor.
   - Never use gasoline to wash your hands.
   - Gloves which are impervious to petroleum liquids should be worn.
   - If you get gasoline on your skin, wash promptly and thoroughly with soap and water.
   - For gasoline-soaked clothes, dry them in open air (away from heat sources), and then launder before re-using.

4. Gasoline is extremely flammable

   - Use only as an engine fuel. Do not use for cleaning, pressure appliance fuel, or any other such use.
   - Do not use or store near flames, sparks, or hot surfaces.
   - Keep containers closed – clean up spills immediately.
   - Be aware that gasoline presents an extreme fire hazard. Liquid evaporates very quickly, even at low temperatures, and forms vapor (fumes) which can ignite and burn with explosive violence.
   - Realize that invisible fuel vapor is heavier than air, spreads easily and can be ignited by sources such as pilot lights, welding equipment, electric motors, and switches.

Remember the Fire Triangle:



Removing any side of the triangle will prevent or eliminate a fire.

D. **Static Electricity**

No safety manual regarding potentially explosive liquids would be complete unless this hazardous subject was addressed. Static electricity or any spark, regardless of its source, can ignite gasoline vapors, propane, and other volatile liquids and gases. This potential hazard should be kept in mind when sampling and handling these types of products.

Tank trucks and other rubber-tired vehicles are potential generators of static electricity. An accumulation of this static electricity is often demonstrated by electrical sparks when a person touches the body of the vehicle, or by a slight shock when entering or leaving the vehicle.

When sampling products described in this manual, always ensure that a solid metal-to-metal bond is made between a fill nozzle and your sample can to reduce the risk of this potential hazard. Do not fill the sample container while it is in contact with a plastic-lined pickup bed or the trunk of an automobile.

For a more detailed guide on the hazards of static electricity, refer to ASTM D 4865, “Standard Guide for Generation and Dissipation of Static Electricity in Petroleum Fuel Systems.” This publication describes in detail how static electricity may be generated in petroleum fuel systems, the types of equipment conducive to charge generation, and methods for the safe dissipation of such charges. The guide is intended to increase awareness of potential operating problems resulting from electrostatic charge accumulation.

E. **Recommended Safety Precautions for Transporting Petroleum Samples**

1. Use suitable sample containers – Samples should be collected and transported in a suitable container which can be tightly closed. Sample containers should not be filled above 80 percent of capacity to allow for expansion of the liquid sample.

2. Do not transport samples in the passenger compartment of vehicles. Petroleum sample containers should be placed in a closed ice chest or similar leak proof box and properly secured in the trunk of a sedan or bed of a pickup for transportation.

3. Have a suitable fire extinguisher available. A dry chemical type rated for class "A," "B," and "C" fires is the most effective extinguishing agent for flammable liquid fires.

4. Control accidental spills – Carrying sample containers in an ice chest will contain a spill or accidental leak from a sample container.

5. In case of a collision or vehicle breakdown, do not use emergency road flares. Emergency reflectors are recommended.

6. Store samples in fireproof cabinets away from sources of ignition.

F. **Spills, Containment, and Clean Up**

1. Gasoline – Eliminate all sources of ignition in the vicinity of the spill. Clean up small spills using appropriate techniques such as absorbent materials and/or suction pumps appropriate for liquid petroleum product clean up. Place recovered gasoline in approved container for proper disposal.

2. Diesel and Fuel Oil – Soak up residue with absorbent material such as clay, sand, or other suitable material. Place in non-leaking containers and seal tightly for proper disposal. Flush area with water to remove trace residue. Properly dispose of flush solution.

3. Kerosene – Take up with an absorbent material and place in a sealed container for proper disposal. If product spills onto soil, where feasible and appropriate, remove contaminated soil and/or contact local environmental authorities.

G. **Material Safety Data Sheets**

Federal and State laws require vendors of hazardous products to provide purchasers with a Material Safety Data Sheet (MSDS) for any hazardous product purchased.

MSDS’s provide valuable information about materials, ranging from general product data to specific details on the health hazards and first-aid procedures applicable in case of spills or exposure. They also contain reactivity data, which is important because many materials will react, sometimes violently, with other substances such as strong acids.

Some Materials Encountered During Field Work Requiring MSDS's

Diesel Fuel
Gasoline
Kerosene
Compressed Natural Gas
Liquefied Natural Gas
Liquefied Petroleum Gas
Water Indicating Paste
Ethanol
Methanol
Brake Fluid
Solvents – Iso-octane
Biodiesel Blends
Motor Oil/Gear Oil
Engine Coolants
Automatic Transmission Fluid

BULK SAMPLING CONTAINERS

Size of sample:

A. Gasoline: Octane – One-half gallon metal can
   One gallon metal can (must be filled up to 80% capacity)
   Water tolerance – One quart glass bottle

B. Diesel Fuel – One-half gallon metal can
   Lubricity – Amber borosilicate glass vial

C. Kerosene – One-half gallon metal can

D. Motor Oils – One quart metal can

E. Gear Oils/Lubes – One quart metal can

F. Coolants – Use only the one-quart glass bottle provided by the State Petroleum Laboratory

G. Automatic Transmission Fluids – One quart metal can

H. Brake Fluid – 8 fluid ounce metal can

BULK SAMPLING PROCEDURES

Submit only samples taken by authorized weights and measures officials. Do not take a sample from private storage, vehicle fuel tanks, etc. Neither the County nor the Division can attest to such sample as being truly representative of the product sold. Pay for the sample if a request is made.

When obtaining a sample from a single nozzle blending dispenser, purge the nozzle and hose with a minimum of six-tenths (0.6) gallon **(longer delivery hoses may require additional liquid purge)** before taking the sample. If there is a quality issue relating to the midgrade gasoline and it is a blended product, obtain samples of all three grades of fuel and purge between samples if the dispenser is a single hose multiple product dispenser (M.P.D.). This will result with a true representative sample of the fuel to be tested. The purged fuel may be pumped into a vehicle fuel tank.

It is necessary to protect all volatile samples from evaporation. Transfer the product from the sampling apparatus to the sample container immediately. Keep the container closed except when material is transferred. Never completely fill a sample container; always allow adequate room for expansion. The container should be filled to 80 percent of container capacity. To prevent the loss of liquid and vapors during transport, SCREW THE CAPS OF CONTAINERS DOWN TIGHTLY and CHECK FOR LEAKAGE. Complete the sample tag (41-008) on page (3-24). Seal the containers immediately after the sample has been obtained.

1. **Gasoline**

   Running performance of the vehicle can usually indicate the type of test needed to be performed on fuel.

Condition	Testing Procedure
If the car stops running suddenly after fueling.	Clear and Bright Test
If the car runs fine and then stops or if the car sits overnight and then will not start.	Water Tolerance Test
If the car is pinging, lacks power or is running rough.	Octane Test
If the car is running rough, lacks power or is giving off black smoke.	Diesel Fuel Contamination Test

   In order for the laboratory to perform the appropriate test, it is the responsibility of the field staff to provide information on the sample tag received from the complainant about the circumstances, conditions, and symptoms that occurred with the vehicle.

A. Water and/or Sediment Contamination of Gasoline

Water contamination can lead to fuel system plugging, corrosion and engine stalling. When water/sediment is found in a BLENDED 89 octane product, the 87 octane and 91 octane products should be checked to determine which product is contaminated.

The Clear and Bright Test

In addition to taking an official sample for water and sediment, you may perform this test in the field using a calibrated thermometer and a clean glass container.

Draw enough gasoline from the dispenser in question into a clean glass container to allow for complete viewing of the sample. The fuel must be visually bright (not hazy) and free of undissolved water, sediment, or suspended matter when the fuel is tested at 70°F or higher. If not, then the fuel must be removed from sale.

If the sample appears cloudy and/or has sediment in it, check the sample for water by applying a water/alcohol indicating paste (Sar-Gel or Clear Kut) on a screwdriver or like instrument. If there are visible water droplets/globules at the bottom of the glass container or a dramatic color change of the paste, remove the product from sale.

Indicate on the sample tag of the official sample (section 20) to test for water and/or sediment. Also indicate that it failed the field test and was removed from sale. Notify the nearest DMS office of your field test results for further sampling instructions. Alternately, you can refer to DMS Notice P-04-1.

Do not test the official sample with water indicating paste before sending to the lab because of possible contamination.

Additional useful information may be obtained by applying a water/alcohol indicating paste (Sar-Gel or Clear Kut) on the storage tank measuring stick and checking the volume of water in the storage tank. Make a record of the depth of water and gasoline if you get a positive reading.

Request a printout from the Environmental Monitoring, Automatic Storage Tank Information System. This provides the quantity in gallons and the linear level of the water contained in the storage tanks.

Water Tolerance Test (Phase Separation)

This test can only be performed in the laboratory. Because of ethanol's affinity for water it can absorb large quantities when temperatures are warm. However, as the temperature drops, the ethanol and water drop out of the gasoline forming their own layer below the gasoline. This is referred to as phase separation. (Gasoline can dissolve up to 150 ppm water at 70°F. Gasoline and 10% ethanol can dissolve 6000–7000 ppm at 70°F.)

When gasoline-ethanol blends are exposed to a greater amount of water than they can dissolve and hold, they separate into two phases:

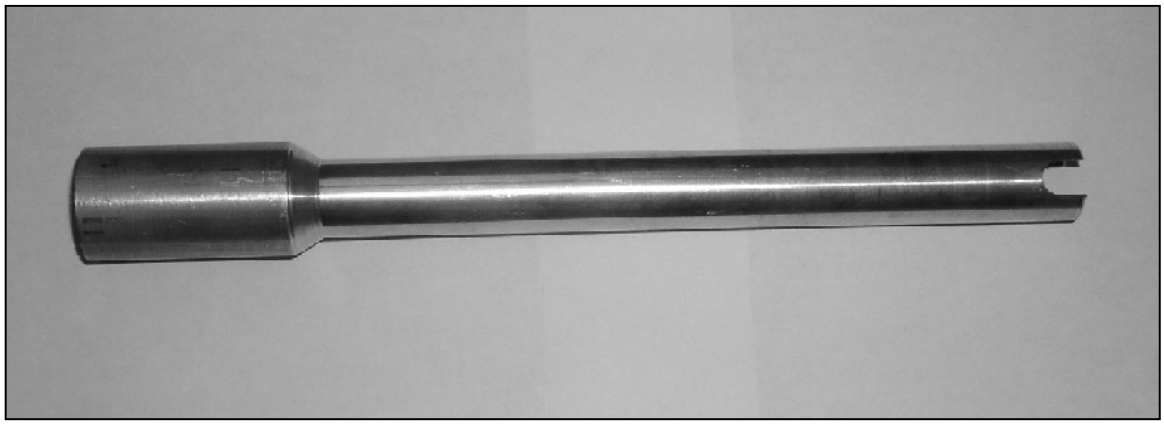
(1) The upper layer is the gasoline phase, generally having a lower octane value than posted because the ethanol that dropped out of this layer was used to increase the octane of the base fuel.

(2) The bottom layer is an ethanol and water phase, which can have a volume significantly greater than that of the additional water.

If the complainant's car would not start the next morning after fueling, the gasoline is most likely contaminated with water that will not be visible at ambient temperature. This is because it has phase separated due to a drop in the overnight temperature.

The samples for this test need to be taken in a clear one quart or liter glass bottle. The container needs to be filled between 70 and 80 percent full using a special nozzle extension. Complete the adhesive sample tag, and seal. Indicate on the sample tag to conduct a water tolerance test. During transportation to the lab, the sample should be kept as close as possible to the temperature at which the sample was taken.

If the Petroleum Laboratory testing determines that the fuel has phase separated at a temperature at which it should not, the fuel has failed the water tolerance test. The fuel must be removed from sale upon notification that it has failed.



Special Nozzle Extension

B. **Octane Verification of Gasoline**

The octane number is a measure of resistance to pinging in the engine and shall not be less than 87 [B&P Code Section 13440(d)]. Octane lower than posted can cause performance loss or pinging. Severe pinging can damage the engine.

Draw a 1/2-gallon sample of the gasoline from the dispenser in question. Tightly close the sample container, complete the sample tag, and seal. Indicate on the sample tag (section 20) to test for octane. Record the posted octane on the sample tag (section 15).

C. **Gasoline Contaminated with Diesel**

Diesel contamination of gasoline can cause the car to run rough, lack power or give off black smoke.

Draw a 1/2-gallon sample of the gasoline from the dispenser in question.

Tightly close the sample container, complete the sample tag, and seal. Indicate in section 20 on the sample tag to test for diesel contamination.

2. **Diesel Fuel**

   Diesel fuel contaminated with gasoline is a safety issue rather than a quality concern. It may or may not affect the performance depending on the amount of gasoline in the diesel fuel. One percent gasoline in diesel fuel reduces the flash point and can cause the diesel fuel to ignite at room temperature.

   Draw a 1/2-gallon sample of the diesel fuel from the dispenser in question.

   Close tightly, complete the sample tag, and seal. Indicate in section 20 on the sample tag to test for flash point and possible gasoline contamination.

3. **Alternative Fuels**

   Biodiesel

   Draw a 1/2 gallon sample from the dispenser. Close tightly, complete the sample tag indicating the biodiesel blend; identified as BXX on the dispenser (XX represents the percentage). Seal the container. Indicate in section 20 on the sample tag to test for blend percentage, flash point, or distillation.

   E-85 Ethanol Fuel and M-85 Methanol Fuel

   Check with you supervisor on proper sampling procedure.

4. **Kerosene**

   Kerosene is often used for heating purposes, as in space heaters. The flash point and sulfur content are significant safety issues. Low flash point can impact upon the safe handling and storage of the product. High sulfur content can lead to excessive toxic emissions.

   Draw a 1/2-gallon sample of the kerosene from the dispenser in question.

   Close tightly, complete the sample tag, and seal. Indicate in section 20 on the sample tag to test for flash point and sulfur content.

5. **Motor Oils**

   If too thick (high viscosity), the oil can reduce fuel economy, increase oil pressure, and reduce oil flow to the oil pump and to the entire engine during starting in cold weather. If too thin (low viscosity), the oil may not provide protection against engine wear and may increase oil consumption and/or blowby.

   Draw a 1 quart sample of the motor oil from the dispenser in question.

   Close tightly, complete the sample tag and seal. Indicate in section 20 on the sample tag to test for viscosity.

6. **Gear Oils**

   If too thick (high viscosity), the oil can cause increased friction and reduced fuel economy in cold conditions. If too thin (low viscosity), may increase wear in manual transmissions, gears, axles, and differentials. It may also provide less protection during high temperature operation.

   Draw a 1 quart sample of the gear oil from the dispenser in question.

   Close tightly, complete the sample tag and seal. Indicate in section 20 on the sample tag to test for viscosity.

7. **Engine Coolants (Antifreeze)**

   Bulk engine coolants will be found as one of the following: Concentrated Engine Coolant, Prediluted Engine Coolant, Recycled Concentrated Engine Coolant, or Recycled Prediluted Engine Coolant.

   Freeze point and boil point are two important characteristics of engine coolants. An engine's cooling system will be protected under all operating conditions if the engine coolant has the proper freeze and boil points.

   These characteristics are dependant on the concentration of water and glycol in the final mixture.

   Draw a 1 quart sample of the coolant into the special glass bottle.

   Close tightly, complete the sample tag and seal. Indicate in section 20 on the sample tag to test for freeze point and boil point.

8. **Automatic Transmission Fluids (ATF)**

   If the ATF is too thick (high viscosity), it may inhibit proper shifting and decrease performance at cold temperatures. If too thin (low viscosity), it may cause poor performance and excessive transmission wear.

   Draw a 1 quart sample of the ATF from the dispenser in question.

   Close tightly, complete the sample tag and seal. Indicate in section 20 on the sample tag to test for viscosity.

9. **Brake Fluids**

   A reduced boiling point can be caused by the absorption of water. A low boiling point can cause brake system failures.

   Draw a 1 pint sample of the brake fluid from the dispenser in question.

   Close tightly, complete the sample tag and seal. Indicate in section 20 on the sample tag to test for boiling point.

OBTAINING FUEL SAMPLES FROM DISPENSERS, TANKERS AND LOADING RACKS

Dispenser Sampling:

- Check the sample can to verify that it is free of moisture, dirt or other contaminants.
- Purge a minimum of 0.6 gallons if the pump is a single hose multiple product dispenser. Purging may be done into your vehicle's fuel tank.
- Dispense product into the sample container until it is 80% full.
- Tighten the lid and attach the completed sample tag with a lead wire seal, press seal tightly and cut off the excess wire.
- For water tolerance samples use procedures described on page 3-11 and 3-12.

Tanker Sampling:

- Identify yourself to the driver, tell them you need to obtain a sample and ask for their assistance.
- Check the sample can to verify that it is free of moisture, dirt or other contaminants.
- Select the correct adapter to fit the outlet of the tanker's manifold in order to obtain a composite sample.
- Have the driver start the fuel drop. Pull the first third of the sample shortly after the start of the delivery once the lines are purged.
- Pull the second third of the sample at the mid-point of the delivery.
- Pull the last third near the end of the drop.
- Dispense product into the sample container until it is 80% full.
- Tighten the lid and attach the completed sample tag with a lead wire seal, press seal tightly and cut off the excess wire.

Loading Rack Sampling:

- Identify yourself to the person in charge, tell them you need to obtain a sample and ask for their assistance.
- Check the sample can to verify that it is free of moisture, dirt or other contaminants.
- Watch while the sample is taken making sure never to lose sight of the container in order to maintain custody of the sample.
- Dispense product into the sample container until it is 80% full.
- Tighten the lid and attach the completed sample tag with a lead wire seal, press seal tightly and cut off the excess wire.

OBTAINING BULK MOTOR OIL AND ATF SAMPLES FROM DISPENSERS AND STORAGE TANKS

Dispenser Sampling:

- Check the sample can to verify that it is free of moisture, dirt or other contaminants.
- Dispense product into the sample container until it is 80% full.
- Tighten the lid and attach the completed sample tag with a lead wire seal, press seal tightly and cut off the excess wire.

Storage Tank Sampling:

- Check the sample can to verify that it is free of moisture, dirt or other contaminants.
- Insert a sampling tube that is open at both the top and bottom into the opening of the storage tank.
- When the tube reaches the bottom of the tank, seal the top of the tube and quickly remove the tube from the tank.
- Quickly transfer the contents into your sample container until it is 80% full.
- Tighten the lid; attach the completed sample tag with a lead wire seal, press seal tightly and cut off the excess wire.

LOT SAMPLING PROCEDURE OF PACKAGED PETROLEUM AND AUTOMOTIVE PRODUCTS

This method is to be used to evaluate packaged petroleum and automotive products for compliance with quality standards.

1. Inspection Lot – A lot shall consist of a group of identically labeled packages including any lot code or batch number printed on the package or shipping container located at one or more sites.

2. Inspection Samples – The inspection samples shall be selected in a random manner. Containers or packages that are inaccessible because of physical or other constraints are not to be included. The cooperation and assistance from location staff is encouraged however their participation is not mandatory. Samples shall be taken as specified in Table 1.

Table 1

Packages in Lot	Packages to Be Sampled
1 to 3	All
4 to 64	4
65 to 125	5
126 to 216	6
217 to 343	7
344 to 512	8
513 to 729	9
730 to 1000	10
1001 to 1331	11
1332 to 1728	12
1729 to 2197	13
2198 to 2744	14
2745 to 3375	15
3376 to 4096	16
4097 to 4913	17
4914 to 5832	18
5833 to 6859	19
6860 and greater	20

3. Evaluation of Results – Test results will be reported by the laboratory on the test report and will indicate whether or not the product is in compliance.

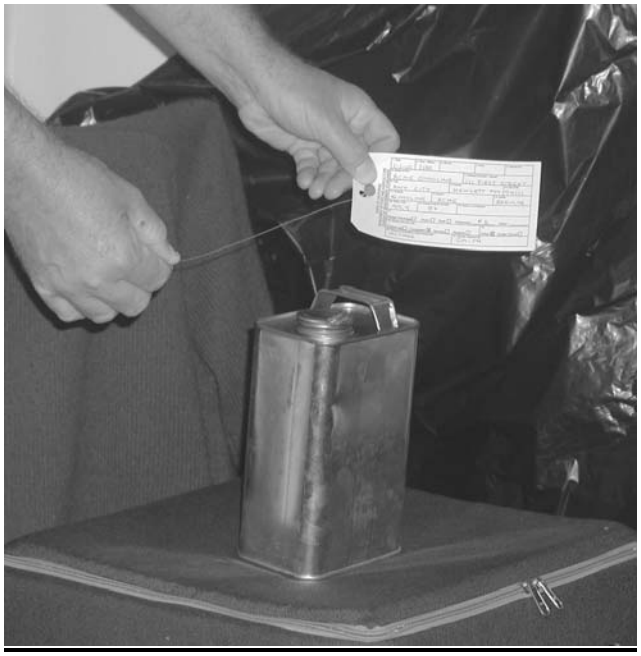
4. Rejection of an Inspection Lot – An inspection lot determined to be non-compliant shall be removed from sale. The Packaged Petroleum/Automotive Products Notice of Non-Compliance form (page 3-43) will be used to notify the DMS and Counties of non-compliant product so that corrective action can be implemented statewide.

SEALING CONTAINERS

METAL CONTAINERS: Use a sample container, which is clean, dry, and free from visible contamination. The top opening of the metal container shall be closed with a screw cap. The closure shall be sealed with a lead-and-wire seal. A lead-and-wire seal shall be attached, using the figure eight lacing method, as shown below. Sample tag (41-008) shall be attached to the sample container handle side of the lead and wire seal.

Seals are attached in this manner to permit removal of the screw cap while leaving the tag permanently affixed to the sample container.

SEALING PROCESS



(1) Thread the wire seal through the front side of the completed tag. The lead seal should be at the front side.

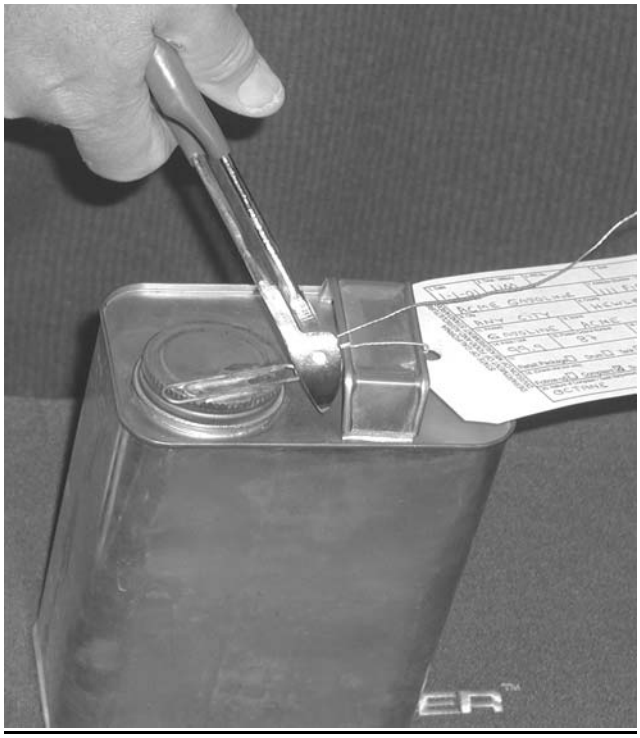
(2) Feed the seal wire under the sample can handle from the farthest side of the lid.

(3) Return the seal wire back towards the lead seal, feeding the wire through the hole in the seal at the tag front. Pull tight.

(4) Slide the lead seal and tag as near to the clip that is attached to the sample can lid. Make sure the tag can be read as shown.

(5) Thread the wire seal under and through the clip closest to the handle. Make sure the lead seal is on the side of the handle close to the clip.

(6) Feed the wire through the seal and pull taut away from the clip and seal. Once taut you can pull the wire back towards the seal and bend up the wire.



(7) Crimp the lead seal and cut off the excess wire as close to the seal as possible. Check for "burrs" that could cut or tear flesh of individuals handling the samples.

(8) Final checks:

Try to open (fully remove) the lid.

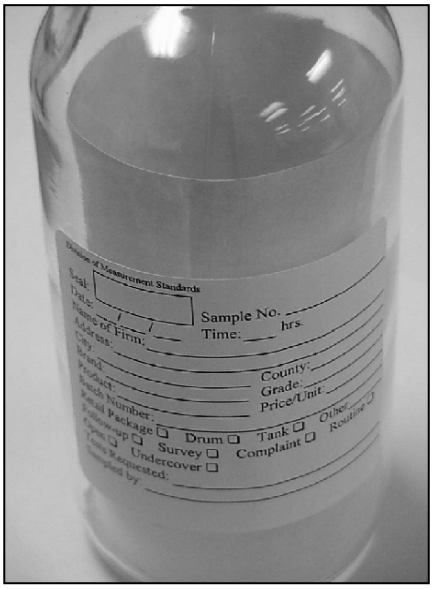
See if by sliding the tag on the handle the lid can be opened.

Check screw cap for tightness by inverting the sample container to ensure that there are no leaks.

If the can leaks then remove the current lid, inspect the can spout lip and try another lid.

Reseal following the sequence for sealing a sample can.

GLASS CONTAINERS: The top of the glass container shall be closed with a screw cap. The closure shall be sealed with a security seal as shown below. All glass containers shall be obtained from the Division of Measurement Standards Laboratories.

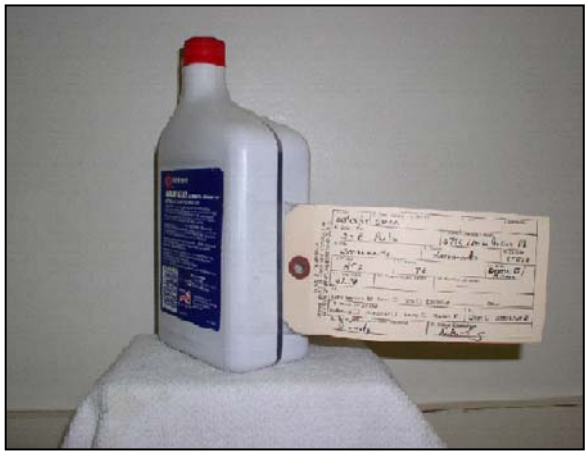


An adhesive Sample Tag shall be attached to the glass sample container on both sides of the container (identification of sample on front side and chain of possession on back side). The security seal shall be affixed over the top of the screw cap and down one side of the glass container. Prior to placing the labels on the glass container it may be necessary to wash down the outer surface and dry prior to adhering the security seal.

PACKAGED CONTAINERS: The sample tag should be attached to the side of the container using 2" wide clear packaging tape in the following manner:

- Affix a 3" strip of tape to left hand end (with the hole) of the Evidence Tag.
- Secure the tape and Evidence Tag to the side of the product container.
- Affix another 3" strip of tape to the Chain of Possession end of the tag and the product container.
- This allows the entire label on the container to be seen without having it obscured by the Evidence Tag.

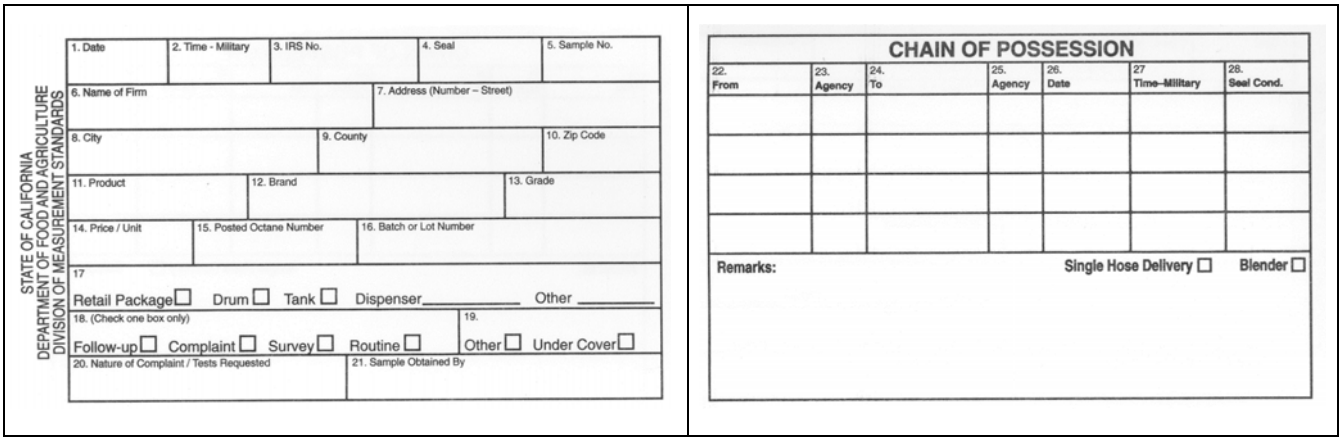
The use of scotch tape, masking tape, or sealing tape with imbedded fibers is not acceptable for attaching Evidence Tags to packaged products.



IDENTIFYING SAMPLES

Sample tags document the collection of evidence and could be challenged in a court case. They must be correct and legible. Fill them out prior to attaching to the evidence sample.

Sample Tag (41-008) shall be completed for each Gasoline, Diesel, Motor Oil, Brake Fluid, Kerosene, Automatic Transmission Fluid, Pre-packaged Coolant and Gear Oil/Lube sample and affixed to the sample container. See instructions for completing the sample tag beginning on page 3-25.



STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

1. Date	2. Time - Military	3. IRS No.	4. Seal	5. Sample No.
6. Name of Firm		7. Address (Number – Street)		
8. City		9. County		10. Zip Code
11. Product		12. Brand		13. Grade
14. Price / Unit	15. Posted Octane Number	16. Batch or Lot Number		

17
Retail Package ☐ Drum ☐ Tank ☐ Dispenser_____ Other _____

18. (Check one box only)
Follow-up ☐ Complaint ☐ Survey ☐ Routine ☐

19.
Other ☐ Under Cover ☐

20. Nature of Complaint / Tests Requested

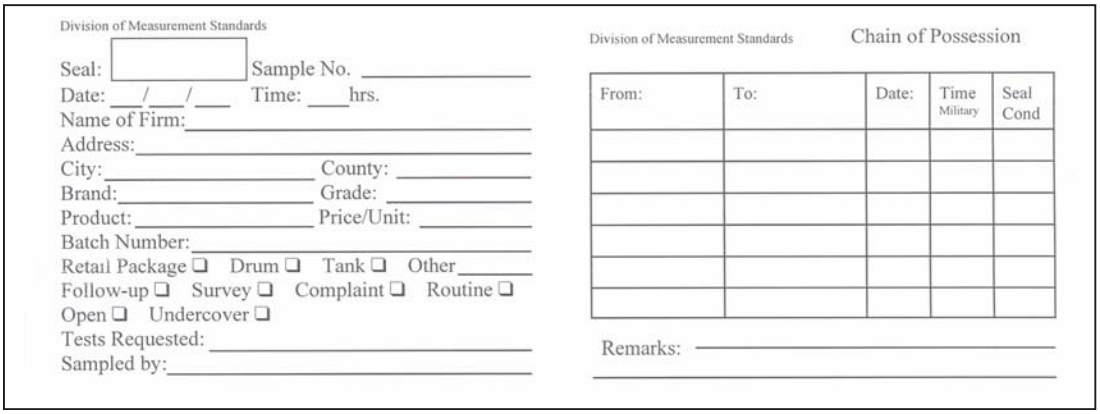
21. Sample Obtained By

CHAIN OF POSSESSION

22. From	23. Agency	24. To	25. Agency	26. Date	27 Time–Military	28. Seal Cond.

Remarks: Single Hose Delivery ☐ Blender ☐

The **Adhesive Bulk Sample Tag** shall be completed for each bulk Coolant, Pre-diluted Coolant and Gasoline Water Tolerance sample and permanently affixed to the **glass sample container**. See instructions for completing the sample tag beginning on page 3-28.



Division of Measurement Standards

Seal: [ ] Sample No. _____
Date: ___/___/___ Time: ___hrs.
Name of Firm:_____
Address:_____
City:_____ County: _____
Brand:_____ Grade: _____
Product:_____ Price/Unit: _____
Batch Number:_____
Retail Package ❑ Drum ❑ Tank ❑ Other_____
Follow-up ❑ Survey ❑ Complaint ❑ Routine ❑
Open ❑ Undercover ❑
Tests Requested: _____
Sampled by:_____

Division of Measurement Standards Chain of Possession

From:	To:	Date:	Time Military	Seal Cond

Remarks: _____

Note: Do not use this label on pre-packaged products since it may obscure labeling information that must be inspected for Business and Professions Code requirements.

The **Security Seal**, shown below, is to be used on all glass bottles to seal the screw cap to the glass container. When the seal is removed from the screw cap and container, a remnant mark is left on the surfaces as evidence of the original seal integrity or proof of tampering.

The number next to the bar code is identical to the number adjacent to the left of the security seal. This number is to be removed from the tag and placed on the sample tag in the area identified as *SEAL*.

Timeliness of Fuel Samples

A fuel sample that fails to arrive at the laboratory within 2 days for analysis is usually of little value in preventing low octane, low flash diesel or contaminated motor fuel from being sold to the public. This is primarily due to the fast turnover of dealers' inventories in today's market.

PETROLEUM AND AUTOMOTIVE PRODUCTS SAMPLE TAG INSTRUCTIONS

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

1. Date	2. Time - Military	3. IRS No.	4. Seal	5. Sample No.
6. Name of Firm		7. Address (Number – Street)		
8. City		9. County		10. Zip Code
11. Product	12. Brand		13. Grade	
14. Price / Unit	15. Posted Octane Number	16. Batch or Lot Number		
17 Retail Package☐ Drum☐ Tank☐ Dispenser_____ Other _____				
18. (Check one box only) Follow-up☐ Complaint☐ Survey☐ Routine☐			19. Other☐ Under Cover☐	
20. Nature of Complaint / Tests Requested		21. Sample Obtained By		

Section 1. DATE – Enter the date the sample was obtained. The date should be expressed as the month, day of the month, and year (i.e., 12-24-05).

Section 2. TIME - 24 HOUR CLOCK – Enter the exact time (24 hour clock) that the sample was obtained (i.e., 0930 = 9:30AM, 1345 = 1:45PM).

Section 3. IRS NO. – Do not enter information into this field, leave blank.

Section 4. SEAL – Do not enter information into this field, leave blank.

Section 5. SAMPLE NO. – This space will be left blank and completed by the Division laboratory personnel.

Section 6. NAME OF FIRM – Enter the name of business, organization, or public agency from where the sample was obtained. If you are in doubt as to who is the responsible party, check the city, county or State Board of Equalization permit posted on the premises.

Section 7. ADDRESS (NUMBER-STREET) – Enter the street number and street name of location where the sample was obtained. In rural areas or other places where street addresses are not used, the location should be described with reference to cross streets, known landmarks, highway markers, or other fixed points.

Section 8. CITY – Enter the city where the sample was obtained.

Section 9. COUNTY – Enter the county name or number (as listed in page 3-35).

Section 10. ZIP CODE – Enter the zip code.

Section 11. PRODUCT – Enter the name of the petroleum product sampled (i.e., gasoline, kerosene, diesel, motor oil, engine coolant, pre-diluted engine coolant, automatic transmission fluid, brake fluid, etc.).

Section 12. BRAND – Enter the brand name of the sample as shown on the container, dispenser, etc. If told by someone that it is a particular brand, show "alleged _____". If no brand, show "NO BRAND".

Section 13. GRADE – Enter the grade of the petroleum product sampled. **For example:**

- Regular, unleaded, premium (type of gasoline)
- Dot 3, 4, or 5 (type of brake fluid)
- No. 1 or 2 (type of diesel)
- SAE rating (type of motor or gear oil)
- Dexron III, Mercon V (type of ATF)

Section 14. PRICE/UNIT – Enter the advertised, posted, or represented selling price of the sample per unit. For Example: $1.789/gal.; $0.89/qt.; $1.09/pt.

Section 15. POSTED OCTANE NUMBER – Enter the posted octane number of the gasoline advertised, posted, or represented. If the product sampled is not gasoline, write in N/A.

Section 16. BATCH OR LOT NUMBER – Enter the batch number, lot number, etc., of the sample if it is applicable.

Section 17. SAMPLE TAKEN FROM – Indicate from where the sample was obtained (i.e., retail package, drum, tank, dispenser number, other-describe).

Section 18. REASON FOR SAMPLE – Place a check mark in the box that best represents the reason for obtaining the sample.

- **FOLLOW-UP** Obtained after initial sample, from same dispenser
- **COMPLAINT** Obtained from a specific dispenser after a consumer complaint
- **SURVEY** Obtained during a specific sampling program
- **ROUTINE** Obtained as an initial sample during regular work activities

Section 19. CONDITIONS OF OBTAINING SAMPLE – Place a check mark into the box that identifies that the sample was obtained while “undercover” or “other”.

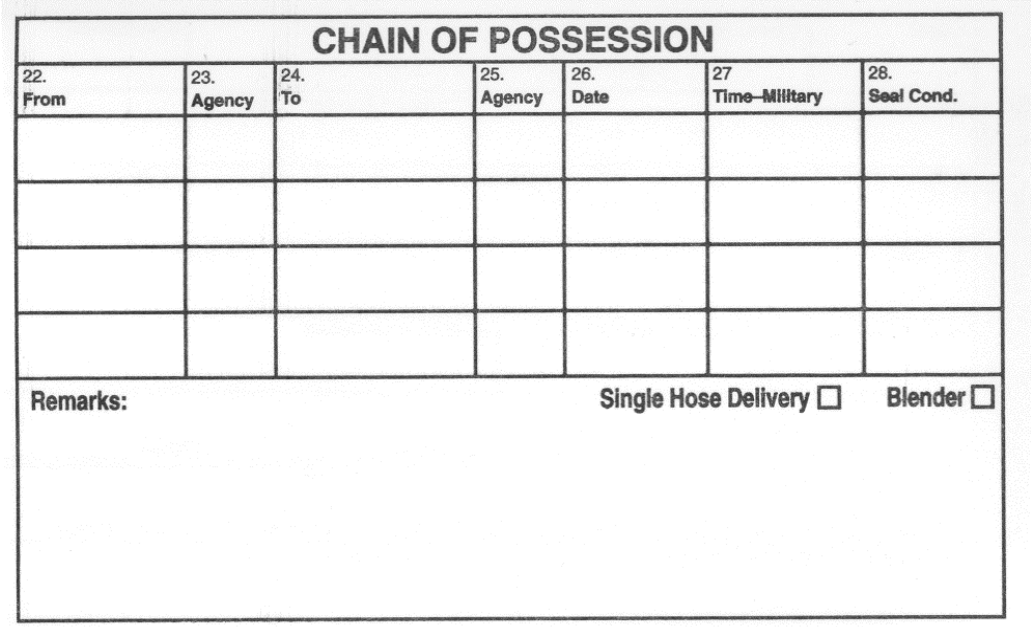
Section 20. NATURE OF COMPLAINT/TEST(S) REQUESTED – If the sample is the result of a complaint, briefly describe it here. Enter any test(s), which you want the petroleum laboratory to perform. List of some appropriate tests:

OCT	Octane
W/S	Water/Sediment
WT	Water Tolerance
DIST	Distillation
FLASH	Flash Point
Viscosity	Oil Thickness
Neut #	SA Oil Only

Section 21. SAMPLE OBTAINED BY – The official who obtained the sample and is completing the petroleum sample tag should place their legible name in this box.

CHAIN OF POSSESSION

Each time the possession of a sample is transferred from one person to another, an entry shall be made. The entries must be legible and complete. The individual assuming custody of the sample determines the seal condition.



CHAIN OF POSSESSION

22. From	23. Agency	24. To	25. Agency	26. Date	27 Time–Military	28. Seal Cond.

Remarks: Single Hose Delivery ☐ Blender ☐

Section 22. FROM – The official releasing possession of a sample will sign their last name in this box.

Section 23. AGENCY – The official releasing the sample shall place their agency code in this box.

A. Division of Measurement Standards – 00

B. Counties use their County Number (referenced on Page 3-35)

Section 24. TO – The official receiving possession of a sample will sign their last name in this box.

Section 25. AGENCY – The official receiving the sample shall place their agency code in this box.

A. Division of Measurement Standards – 00

B. Counties use their County Number (referenced on Page 3-35)

Section 26. DATE – Enter the date the sample was transferred. The date shall be expressed as the month, day of the month, and year (i.e., 12-24-05).

Section 27. TIME-24 HOUR CLOCK – Enter the exact time that the sample was transferred (i.e., 0930 = 9:30 AM, 1330 = 1:30 PM).

Section 28. SEAL CONDITION – The official receiving the sample shall indicate the condition of the seal ("OK", "Loose", etc.).

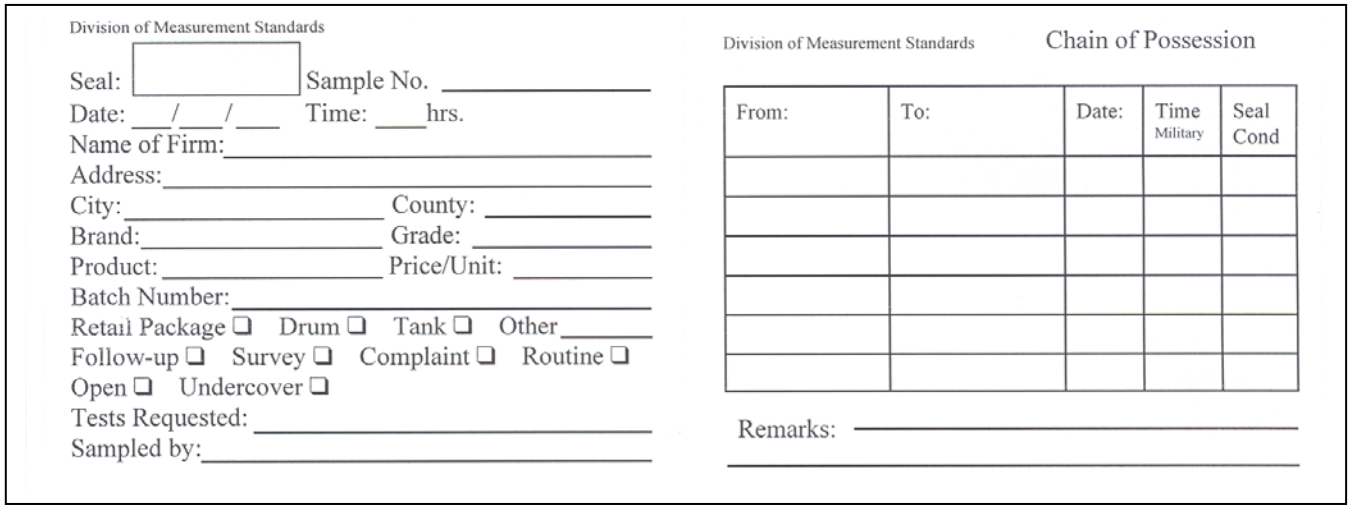
REMARKS – Enter any remarks that will assist the Laboratory in performing the appropriate tests to the sample; amount of product purged, etc.

SINGLE HOSE DELIVERY – Check this box if the hose delivers a single product through a hose/nozzle configuration. Each grade of product must be directly connected to the individual storage tank containing that grade of product. No Purge Required.

BLENDER – Check this block if the hose is a "BLENDER" type providing multiple grades of product through a single hose/nozzle.

If multiple products are delivered through one hose a minimum of 6/10 gallon of the selected product must be purged.

BULK ENGINE COOLANT AND WATER TOLERANCE SAMPLE TAG INSTRUCTIONS



Division of Measurement Standards

Seal: [ ] Sample No. _____
Date: ___/___/___ Time: ____hrs.
Name of Firm: _____
Address: _____
City: _____ County: _____
Brand: _____ Grade: _____
Product: _____ Price/Unit: _____
Batch Number: _____
Retail Package ❑ Drum ❑ Tank ❑ Other _____
Follow-up ❑ Survey ❑ Complaint ❑ Routine ❑
Open ❑ Undercover ❑
Tests Requested: _____
Sampled by: _____

Division of Measurement Standards Chain of Possession

From:	To:	Date:	Time Military	Seal Cond

Remarks: _____

SEAL Place the "Security Seal" number obtained from the "Security Seal" used to seal the sample glass container.

SAMPLE NO. This space will be left blank and completed by the Division laboratory personnel.

DATE Enter the date the sample was obtained. The date should be expressed as the month, day of the month, and year (i.e., 12-24-05).

TIME-24 HOUR CLOCK Enter the exact time (24 hour clock) that the sample was obtained (i.e. ,0930 = 9:30 AM, 1345 = 1:45 PM).

NAME OF FIRM Enter the name of business, organization, or public agency from where the sample was obtained. If you are in doubt as to who is the responsible party, check the city, county or State Board of Equalization permit posted on the premises.

ADDRESS (NUMBER-STREET) Enter the street number and street name of location where the sample was obtained. In rural areas or other places where street addresses are not used, the location should be described with reference to cross streets, known landmarks, highway markers, or other fixed points.

CITY Enter the city in which the firm is located and the sample was obtained.

COUNTY Enter the County name or Number (referenced on page 3-35).

BRAND Enter the brand name of the sample as shown on the container, dispenser, etc. If told by someone that it is a particular brand, show the alleged brand. If no brand, show “NO BRAND”.

GRADE If engine coolant, enter the principal ingredient (Ethylene Glycol or Propylene Glycol). If gasoline, enter the octane number.

PRODUCT Enter the name of the product sampled (i.e., engine coolant, prediluted engine coolant, recycled engine coolant, recycled prediluted engine coolant or gasoline).

PRICE/UNIT Enter the advertised, posted, or represented selling price of the sample per unit (i.e., $1.95/gal., $0.89/qt).

BATCH Enter the batch number, lot number, date of processing, etc., of the sample if it is applicable.

SAMPLE TAKEN FROM Indicate from where the sample was obtained. (i.e., drum, tank, dispenser number, other-describe).

REASON FOR SAMPLE Place a check mark into the box that best represents the reason for obtaining the sample (i.e., Follow-up, Survey, Complaint, or Routine).

CONDITIONS OF OBTAINING SAMPLE Place a check mark into the box that identifies that the sample was obtained while “undercover” or “open”.

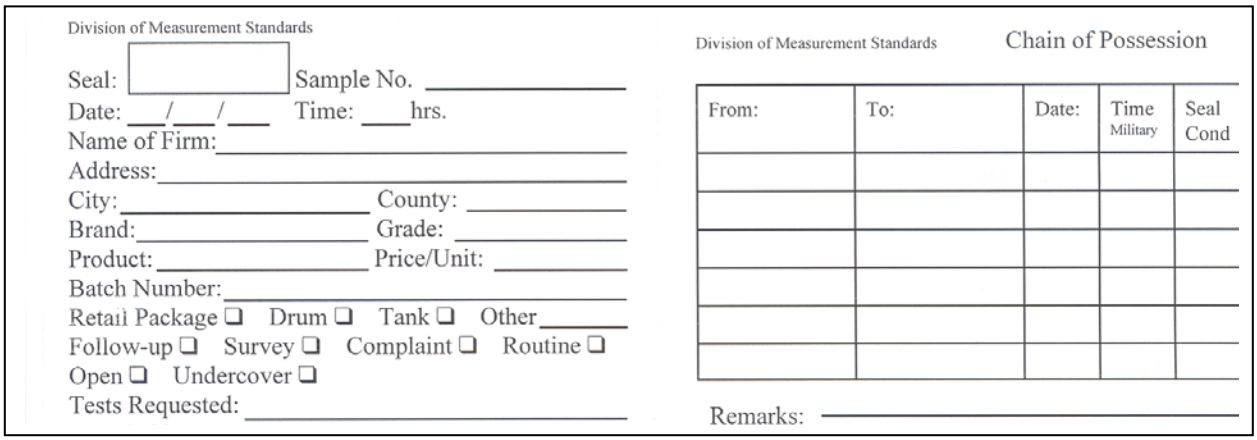
TESTS REQUESTED Enter any test(s) which you want the petroleum laboratory to perform or nature of complaint. List of some appropriate tests:

FP Freeze Point
BP Boiling Point
RA Reserve Alkalinity
CL Chloride Level
WT Water Tolerance

SAMPLED BY The official who obtained the sample and is completing the sample tag should place their legible name in this box.

CHAIN OF POSSESSION

Each time the possession of a sample is transferred from one person to another, an entry shall be made. The entries must be legible and complete. The individual assuming custody of the sample determines the seal condition.



Division of Measurement Standards

Seal: [ ] Sample No. _____
Date: ___/___/___ Time: ____hrs.
Name of Firm: _____
Address: _____
City: _____ County: _____
Brand: _____ Grade: _____
Product: _____ Price/Unit: _____
Batch Number: _____
Retail Package ❑ Drum ❑ Tank ❑ Other _____
Follow-up ❑ Survey ❑ Complaint ❑ Routine ❑
Open ❑ Undercover ❑
Tests Requested: _____

Division of Measurement Standards — Chain of Possession

From:	To:	Date:	Time Military	Seal Cond

Remarks: _____

TO — The official receiving possession of a sample will sign their last name in this box.

DATE — Enter the date the sample was transferred. The date shall be expressed as the month, day of the month, and year (i.e., 12-24-05).

TIME-24 HOUR CLOCK — Enter the exact time that the sample was obtained or transferred (i.e., 0930 = 9:30 AM, 1345 = 1:45 PM).

SEAL CONDITION — The official receiving the sample shall indicate the condition of the seal ("OK", "Loose", etc.).

REMARKS — Enter any remarks that will assist the Laboratory in performing the appropriate tests to the sample; amount of product purged, etc.

PROCEDURE FOR TRANSMITTAL TO LABORATORY

Timeliness of Fuel Samples

A fuel sample that fails to arrive at the laboratory within 2 days for analysis is usually of little value in preventing low octane, low flash diesel or contaminated motor fuel from being sold to the public. This is primarily due to the fast turnover of dealers' inventories in today's market.

Laboratory Operational and Notification Procedure

1. Every effort will be made to satisfy priority test requests.

2. Test results of "OFF" specification samples will be faxed to the County and State representative immediately with written results mailed.

3. Individual test results that fail specifications will be marked with an asterisk (*). The word "VIOLATION" with the explanation will be noted in the remarks section.

Circumstances When a Sample Will Not Be Tested

The laboratory will not test products:

1. For an individual's personal interest.

2. To influence disputes when it is a matter outside of official concern.

3. When in competition with a commercial laboratory.

4. When the sample was not obtained by a government official in the performance of their duties.

5. When a motor fuel sample arrives to the State Petroleum Laboratory 7 or more days after the sample date.

Sample analysis provided by the DMS laboratories are concerned only with enforcement of provisions of Division 5, Chapters 14 and 15, Business and Professions Code, and Title 4, Division 9, Chapter 6, California Code of Regulations.

CONSUMER COMPLAINTS

Complaints can come from many sources, such as consumers, competitors, weights and measures officials, and referrals from other government agencies. When receiving a complaint, it is important to obtain as much information as possible from the complainant. Using the information below complete the Complaint Form on page 33.

- Record the date and time of the call.
- Obtain the name and address of the location where the incident occurred.
- Obtain the date and time when the incident occurred.
- Describe the complaint in detail to include the pump number, grade of product, gallons purchased, price per gallon, total sale amount, and the method of payment. Was someone dispensing fuel on the other side of the dispenser?
- Who assisted the complainant at the location?
- Who was complained to at the location?
- Was another agency contacted? If so, what agency?
- Does the complainant want to be notified of the outcome? Obtain at least the name and telephone number.

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE

DIVISION OF MEASUREMENT STANDARDS

COMPLAINT REPORT

	DATE RECEIVED	TIME

WHERE	LOCATION – PROBLEM/COMPLAINT OCCUR	
ADDRESS		TELEPHONE NO.
CITY COUNTY		

WHEN	DATE	TIME
WHAT	DESCRIBE COMPLAINT IN DETAIL:	

WHO ASSISTED YOU

PERSON AND DESCRIPTION

NAME

SEX	RACE	AGE	HEIGHT	WEIGHT	HAIR	EYE

DISTINGUISHED CHARACTERISTICS

WHO DID YOU COMPLAIN TO

PERSON AND DESCRIPTION

NAME

SEX	RACE	AGE	HEIGHT	WEIGHT	HAIR	EYE

DISTINGUISHED CHARACTERISTICS

HAVE YOU CONTACTED ANY OTHER AGENCY, CONSUMER OR LEGAL? ☐ YES ☐ NO

IF YES, WHO:

IF WE CONTACT THE BUSINESS, DO YOU WANT YOUR NAME KEPT CONFIDENTIAL?
☐ YES ☐ NO

WOULD YOU LIKE TO BE INFORMED WITH THE RESULT OF OUR INVESTIGATION/ACTIVITIES?
☐ YES ☐ NO

IF YES, PLEASE FILL OUT

NAME:

ADDRESS:

CITY ZIP

TELEPHONE NO.	E-MAIL	FAX

COMMERCIAL LABORATORIES

This list of laboratories is provided as a convenience. It is not a recommendation or assurance of accuracy.

Saybolt-Core Labs 21730 S. Wilmington Ave., #201 Carson, CA 90810 (310) 518-4400 www.corelab.com (All petroleum – octanes)	Saybolt-Core Lab 4871 Sunrise Dr., Suite 102 Martinez, CA 94553 (925) 228-6366 www.corelab.com (All Petroleum – octanes)	BSI Incorporate 3773 Pacheco Blvd, Suite D Martinez, CA 94553 (925) 372-0958 www.inspectorate.com (All Petroleum – octanes)
SGS Oil, Gas & Chemicals 4134 Lakeside Drive Richmond, CA 94806 (510) 236-3007 www.us.sgs.com (All petroleum – octanes)	Caleb Brett, Inc. 6050 Egret Court Benicia, CA 94510 (707) 746-0556 www.intertek-cb.com (All petroleum – octanes)	Analysts, Inc. 2910 Ford Oakland, CA 94601 (510) 536-5914 www.analystinc.com (Oil analysis)
Herguth Laboratories, Inc. 101 Corporate Place Vallejo, CA 94590 (808) 437-4884 www.herguth.com (Fuel, oil, coolant)	SGS Oil, Gas & Chemicals 33934 Lockness Avenue Torrance, CA 90501 (310) 326-9110 www.us.sgs.com (All petroleum, octanes)	Caleb Brett, Inc. 1941 Freeman Ave. Signal Hill, CA 90755 (562) 494-4999) www.intertek-cb.com (Petroleum – octanes)
BSI Inspectorate 24426 S. Main, Suite 703 Carson, CA 90745 (310) 835-4017 www.inspectorate.com (All petroleum – octanes)	Amalgatech, Inc. 2965 West Osborn Road Phoenis, AZ 85017 (602) 252-0280 www.amalgatech.com (Coolants)	Caleb Brett, Inc. Deer Park Laboratory 1114 Seaco Ave. Deer Park, TX 77536 www.interteck-cb.com (All petroleum – octane>100)

COUNTY CODE NUMBERS

County Name	County Code	County Name	County Code
Alameda	01	Orange	30
Alpine	02	Placer	31
Amador	03	Plumas	32
Butte	04	Riverside	33
Calaveras	05	Sacramento	34
Colusa	06	San Benito	35
Contra Costa	07	San Bernardino	36
Del Norte	08	San Diego	37
El Dorado	09	San Francisco	38
Fresno	10	San Joaquin	39
Glenn	11	San Luis Obispo	40
Humboldt	12	San Mateo	41
Imperial	13	Santa Barbara	42
Inyo	14	Santa Clara	43
Kern	15	Santa Cruz	44
Kings	16	Shasta	45
Lake	17	Sierra	46
Lassen	18	Siskiyou	47
Los Angeles	19	Solano	48
Madera	20	Sonoma	49
Marin	21	Stanislaus	50
Mariposa	22	Sutter	51
Mendocino	23	Tehama	52
Merced	24	Trinity	53
Modoc	25	Tulare	54
Mono	26	Tuolumne	55
Monterey	27	Ventura	56
Napa	28	Yolo	57
Nevada	29	Yuba	58

LABORATORY TEST RESULT CHECKLIST

PRODUCT TEST	EFFECT OF FAILURE
Gasoline	
Octane	Can cause performance loss and in severe situations damage to the engine. ***BPC 13440(d) and 13480(c)***
Vapor Pressure	If high, can lead to vapor lock and excessive evaporative emission losses. ***BPC 13440(a), 13440(c); Title 4 CCR 4140; Title 13 CCR 2258;* and ASTM D 4814**
Water and Sediment Water Tolerance	May lead to fuel system plugging, corrosion and engine stalling. ***BPC 13440(a); CCR 4140; and ASTM D 4814***
Distillation	Can cause problems related to cool weather drivability, hot starting, hot drivability, vapor lock, evaporative losses, crankcase deposits, and combustion chamber and spark plug deposits. ***BPC 13440(a); CCR 4140; and ASTM D 4814***
Sulfur Content	Can increase exhaust emissions, engine deposits and engine wear. ***BPC 13440(a); CCR 4140; and ASTM D 4814***
Oxygenate	Ethanol – required for reducing carbon monoxide emissions. ***BPC 13440(b) and 13480(c)***
Diesel Fuel	
Flash Point	Low flash point can impact safe handling and storage of fuel. Flash point is not directly related to engine performance (Gasoline contamination). ***BPC 13450(a); CCR 4143; and ASTM D 975***
Sulfur Content	High sulfur content may increase exhaust emissions, engine deposits and engine wear. ***BPC 13450(a); Title 4 CCR 4143; Title 13 CCR 2281; and ASTM D 975***
Cetane Number	A low cetane rating can impact upon ignition quality and cause combustion roughness. ***BPC 13450(a); CCR 4143; and ASTM D 975***
Water and Sediment	Can lead to corrosion, filter plugging and biological growths. ***BPC 13450(a); CCR 4143; and ASTM D 975***
Distillation	Engine performance and fuel economy are related to a fuel's boiling range. The 90% recovered point may be used to indicate a diesel fuel's grade number (i.e., #1 or #2). ***BPC 13450(a); CCR 4143; and ASTM D 975***

PRODUCT TEST	EFFECT OF FAILURE
Motor Oil	
Viscosity	Measures the oil's ability to permit engine cranking during (Cold Cranking Simulator) cold start conditions. High viscosity can also reduce oil flow to the oil pump and entire engine after cold weather starts. ***BPC 13480(b) and SAE J300***
Viscosity (Kinematic)	Measures the oil's ability to flow at high temperatures. If too thin, the oil may not provide protection against engine wear, blowby, and oil consumption. If too thick, the oil can reduce fuel economy and increase oil pressure. ***BPC 13480(b) and SAE J300***
Neutralization Number (SA oil only)	Measures the oil's acidity or alkalinity. High acidity from strong acids may cause excessive engine wear. ***BPC 13460(d)***
Automatic Transmission Fluid	
Viscosity (Kinematic)	Low viscosity may increase hydraulic control system pump leakage. It may also impact upon bearings, gears, and clutch and band friction surfaces. ***BPC 13710(b)*** **and auto manufacturer's specifications**
Viscosity (Brookfield)	High viscosity may not permit proper shifting and running in cold weather. ***BPC 13710(b)*** **and auto manufacturer's specifications**
Gear Oil	
Viscosity (Kinematic)	Low viscosity may increase wear in manual transmissions and differentials. May also provide less protection during high temperature operation. ***BPC 13480(b)*** **and SAE J306**
Viscosity (Brookfield)	High viscosity can cause increased friction and reduced fuel economy in cold conditions. ***BPC 13480(b)*** **and SAE J306**
Brake Fluid	
Boiling Point	A reduced boiling point can be caused by the absorption of water. Low boiling point fluids can lead to failure of braking systems. ***BPC 13710(c)*** **and DOT MVSS #1 16**

PRODUCT TEST	EFFECT OF FAILURE
Engine Coolant	
Freeze Point	This indicates the temperature at which ice crystals will start to form. Ice can exert extreme pressures within the engine which may result in serious engine damage. ***BPC 13710(a); CCR 4161, 4162, 4163, 4164, 4165***
Boiling Point	This indicates the temperature at which the coolant will boil at atmospheric pressure. Low boiling point coolants reduce heat transfer and can lead to engine overheating. **BPC 13710(a); CCR 4161, 4162, 4163, 4164, 4165**
Reserve Alkalinity	This indicates the capacity of the coolant to neutralize acids which may form in the cooling system. Acidic coolants may be corrosive to the cooling system. This test is not a good judge of corrosion protection for certain organic corrosion inhibitor packages. **BPC 13710(a); CCR 4161, 4162, 4163, 4164, 4165**
Kerosene	
Flash Point	Low flash point can impact upon the safe handling and storage of the product. **BPC 13450(b); CCR *4141; and ASTM D 3699***
Sulfur Content	The sulfur content is the only difference between 1-K and 2-K kerosene. Non-flue connected burner appliances require lower sulfur levels because of sulfur dioxide emissions. **BPC 13450(b); CCR 4141; and ASTM D 3699**
Distillation	Indicates the volatility of the fuel for proper vaporization and could impact the burning quality of the fuel. **BPC 13450(b); CCR 4141; and ASTM D 3699**

BULK PETROLEUM AND AUTOMOTIVE PRODUCTS
OFF-SALE GUIDELINES

1. Upon written notification from the Division of Measurement Standards' (DMS) Laboratory Services Unit that the product sampled did not meet State specifications, go to the location where the product was obtained and identify yourself to the manager or person in charge.

2. Explain to the manager what specification(s) the sample did not meet ("below minimum flash point" or "contaminated with water" – do not disclose the actual test result numbers). Explain what action you are going to take.

3. If additional product has been added to the storage tank since your sample, re-sample the product, properly label, and seal the sample. Rush sample to DMS laboratory for testing indicating that it is a follow-up sample requiring priority testing. Request new product delivery invoice. Issue a Notice of Violation for the product that was sampled and did not meet State specifications.

4. If no additional product has been added to the storage tank since your sample, read the pump totalizer and stick the tank to determine the number of gallons in the storage tank. Check to see if there is water in the tank with water-finding paste and record the amount in inches. Do not use the water-finding paste in the sample container.

5. Attach (Form 41-052) RED CONDEMNED product tags (not Out of Order tags) with lead-and-wire seals to the storage tank fill pipe(s) and product dispenser(s) for the grade of product in question. Verify the Tank monitoring equipment liquid level after sealing storage tanks. Notify the owner or manager that it is unlawful to break or mutilate the seal(s) or remove the contents.

6. Explain to the manager that the product cannot be sold, removed, or disposed of without authorization, and that the RED CONDEMNED tags can only be removed by, or with the approval of, a weights and measures official. Leave a copy of the letter explaining ***Section 13596 and 13600 of the Business and Professions Code*** relating to product disposal.

7. When the storage tank(s) are to be pumped out, check the tags and seals to see that they are intact. Check the totalizer readings and stick the tank to see that no product has been sold. Verify the tank monitoring equipment liquid level before and after the pump out occurs. Break the seals and allow the product to be pumped out of the storage tank. Have the lines and filters flushed with sufficient good product to assure all off-specification product is removed before releasing for sale.

8. Obtain a sample of the replacement product from the delivery truck and of the new product through the dispenser after it has been dumped into the storage tank. Send samples to DMS laboratory for testing.

9. Issue a Notice of Violation or citation to the responsible party in accordance with the Citation Manual**.**

PACKAGED PETROLEUM AND AUTOMOTIVE PRODUCTS

OFF-SALE GUIDELINES

1. Upon notification (preliminary or final petroleum laboratory report) from the Division of Measurement Standards' (DMS) Laboratory Services Unit, that the initial product sampled did not meet California specifications, go to the location where the product was obtained and identify yourself to the manager or person in charge. Issue a Notice of Violation (NOV) for the initial sample only. The batch number may be stated, but the NOV must not imply the entire lot or batch is out of specification. See the following off-sale guideline memo.

2. Explain to the manager that the product sampled did not meet the specifications and that you are going to take a representative lot sample to submit to the DMS laboratory.

3. Determine the quantity of product, lot or batch numbers that are readily available, identify the distributor, or supplier, and ask for copies of delivery invoices and receipts. Refer to Table 1 (page 3-17) to determine the number of packages to sample.

4. The following should be considered when sampling:

    - Representative lot samples should always be taken for follow-up investigations.

    - Whenever possible, take the representative lot sample at the source (distributor, supplier or manufacturer).

    - Nothing should preclude an inspector from taking representative lot samples on the initial unit.

    - Representative lot samples should always be taken in warehouses.

5. Obtain a representative lot sample of the product within the batch or lot number. Consider additional collections from different lots or batch numbers of the same or similar products, at other locations, and submit to the laboratory for testing.

6. If the representative lot sample fails to meet specifications, then issue a NOV for the appropriate Business and Professions Code section to the location manager and put the product off-sale**.** (See sample letter, page 3-41).

Note: The ***Business and Professions Code, Chapter 15, Article 4***, requires that off-sale orders for automotive products (brake fluid, coolant and automatic transmission fluid) be given to the retail seller and the manufacturer or distributor.

Code References:

Business and Professions Code, Chapter 14, Section 13595 – Unlawful to sell off-specification or mislabeled petroleum products.

Business and Professions Code, Chapter 15, Section 13470 – Unlawful to sell adulterated or mislabeled automotive products. Section 13731 – Off-sale authority.

State of California

Memorandum

To : All Weighmaster/Petroleum Branch Staff

Date : January 14, 2003

Place : Sacramento

Phone : (916) 229-3044

From : **Department of Food and Agriculture** - David R. Lazier, Chief
Weighmaster Enforcement/Petroleum Products Branch

Subject : Petroleum/Automotive Products Off-sale Guidelines

During our recent work coordination seminar in Anaheim, we discussed the criteria and procedure we would use in removing non-conforming petroleum and automotive products from sale in the marketplace.

The United States Constitution (fifth and fourteenth amendments) and the California State Constitution both guarantee all people the right to "due process" in the questions of life, liberty, or property. The fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to agree with or contest the action. It is only under the most unusual circumstances that a person can even be temporarily deprived of their property without opportunity for a prior hearing. Unusual circumstances are generally recognized as health and safety issues, i.e., mislabeled drugs, adulterated food, et cetera. The potential injury to the public must outweigh the potential injury to the purveyor from a temporary interference with its business.

The California Appellate Court, in People v. Leo Wayne Travers, (1975) 53 Cal.App.3d), stated:

"The automobile is a recognized necessity in our society and the function of its engine, transmission, and brakes are a matter of vital importance to the motorist. It is in the interest of public safety to prevent the malfunction and break down of motor vehicles traveling on our crowded streets and highways."

Keeping the due process requirements in mind, the following guidelines will be used regarding non-conforming petroleum and automotive products.

GASOLINE –

Distillation violations, water and sediment violations, octane number less than 87 violations - remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

DIESEL FUEL and KEROSINE –

Distillation violations, flash point violations, water and sediment violations - remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

BULK MOTOR OIL –

Viscosity violations, water and sediment violations – remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

BULK GEAR OIL –

Viscosity violations, water and sediment violations – remove the product from sale after receiving results of the initial sample. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

BULK ENGINE COOLANT –

Boil point or freeze point violations, reserve alkalinity violations, chloride ion or sulfate ion violations, sediment/contamination violations - remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

BULK AUTOMATIC TRANSMISSION FLUID –

Viscosity violations, water and sediment violations – remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

BULK BRAKE FLUID –

Boil point violations - remove the product from sale after receiving results of the initial sample indicating it failed specifications. If additional product has been added, the product will remain off-sale until testing shows a conforming product.

Since action against these nonconforming products is considered an emergency (health and safety) situation, due process hearings in this area can be postponed until such time as the "emergency" is corrected.

DATE: **FROM:**

EXAMPLE

TO: **ADDRESS:**
C/o
STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828

In accordance with the provisions of Section 13596 of the Business and Professions Code, please be advised that on_____at _____ o'clock, ___m., I will be prepared to properly dispose of the products condemned and sealed by officials of the Division of Measurement Standards and/or County Weights and Measures at _____,California.

I request that a representative of the Division of Measurement Standards and/or County Weights and Measures be present at the above noted address at the time specified, to remove all seals and required sealing notices and to supervise the removal and disposition of the condemned products.

Signed: _____

13596: "Upon at least 24 hours written notice from the owner, manager or operator of the container, receptacle, pump or storage tank which has been sealed, to the department or to the sealer of the county in which the premises are situated stating that the contents of such container, receptacle, pump or storage tank will be removed or that such container, receptacle, pump, or storage tank or inlet end of the fill pipe thereof will be properly labeled as in this chapter provided, at a specified time, between the hours of 9 a.m. and 4 p.m. of a day specified in the notice, other than a holiday, such officer shall, at the time specified, break the seal or seals for the purpose of permitting the removal by such manager, owner or operator, of the contents of such container, receptacle, pump or storage tank connected thereto, or the use thereof after proper labeling."

"The removal of contents or proper labeling of the container, receptacle, pump, storage tank or inlet end of the fill pipe thereof, as the case may be, shall be made at the time specified and in the presence of the officer removing the seal."

13600: "It is unlawful for any person, or any member, officer, agent or employee of a firm, association or corporation other than the department or any of the officers mentioned in this article, to break, mutilate or destroy any seal or seals placed upon a container, receptacle, pump or storage tank connected thereto, or any other storage tank containing a petroleum product, when placed thereon as provided by this article, or to move a container so sealed, or remove the contents therefrom, or to cover, deface or remove the notice of sealing required by this article."

NOTE: Compliance with State and Federal hazardous waste requirements is the responsibility of the owner of the product.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

A.G. KAWAMURA, Secretary

DEPARTMENT OF FOOD AND AGRICULTURE
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
Phone: (916) 229-3000
Fax: (916) 229-3026

DMS NOTICE
P – 05 – 1

February 24, 2005

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Off Sale Guidelines for Petroleum and Automotive Products

The United States Constitution and the California State Constitution both guarantee all people the right to "due process" in the questions of life, liberty, or property. It is only under the most unusual circumstances that a person can even be temporarily deprived of their property without opportunity for a prior hearing. Unusual circumstances are generally recognized as health and safety issues. The potential injury to the public must outweigh the potential injury to the purveyor from a temporary interference with its business.

The California Appellate Court, in People v. Leo Wayne Travers, (1975) 53 Cal. App. 3d, stated:

"The automobile is a recognized necessity in our society and the function of its engine, transmission, and brakes are a matter of vital importance to the motorist. It is in the interest of public safety to prevent the malfunction and break down of motor vehicles traveling on our crowded streets and highways."

Keeping the due process requirements in mind, the following guidelines are suggested for use regarding non-conforming petroleum and automotive products.

Upon receiving notification that a product failed to meet specifications, remove the product from sale based on the test results of the initial sample. If additional product has been added, the product should remain off-sale until further sampling and testing shows a conforming product.

Questions regarding this notice should be directed to David Lazier, Chief, Weighmaster Enforcement/Petroleum Products Branch at (916) 229-3044.

Sincerely,

Mike Cleary
Director

Division of Measurement Standards
Weighmaster/Petroleum Branch

41-104(Rev. 02/05)

DIVISION OF MEASUREMENT STANDARDS
PACKAGED PETROLEUM/AUTOMOTIVE PRODUCTS
NOTICE OF NON-COMPLIANCE

DATE_____ PRODUCT_____

GRADE_____ BRAND NAME_____

CONTAINER SIZE_____ BATCH NUMBER_____

PACKER/MANUFACTURER_____

DISTRIBUTED BY_____

LOCATIONS WHERE PRODUCT MAY BE FOUND _____

_____ POSSIBLE OFF-SPECIFICATION PRODUCT
_____ LABELING PROBLEMS
_____ OTHER _____

REMARKS_____

_____

_____

_____

INSTRUCTIONS:

- IF BATCH NUMBER IS IDENTICAL TO THE ABOVE BATCH NUMBER, THE PRODUCT MAY BE TAKEN OFF-SALE BASED ON PRIOR TESTING.

- IF BATCH NUMBER IS DIFFERENT, NOT PRESENT OR IF THERE IS ANY QUESTION, TAKE A NEW SAMPLE AND SEND TO THE DMS LABORATORY FOR TESTING.

SEND REPORTS AND INFORMATION TO: Branch Chief, David Lazier, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828. Fax (916) 229-3026

Information received from:_____

PETROLEUM AND AUTOMOTIVE PRODUCTS

PROGRAMMED TEXT

SECTION 4

Revised 04/05

INTRODUCTION

This programmed text is designed to familiarize persons who are enforcing the provisions of Chapters 14 and 15, Division 5 of the Business and Professions Code with the requirements of the chapters that apply to specific situations commonly encountered in the field.

The study lessons generally consist of studying one article; however, where specific sections of another article are pertinent, these sections are included in the study assignment.

The text has been prepared as a learning tool which can be studied at an individual's own pace but should be easily completed within three months.

It is recommended that a period of time be set aside each week for study so the lessons are completed on a regular schedule.

It would also be helpful to spend some field time looking at items that you are studying.

The portions of the Business and Professions Code designated should be studied for each lesson. The questions should be answered and your answers compared with the correct answers.

If you incorrectly answer a question, you should read the referenced section again.

If you do not understand a particular question or answer, you should discuss it with the area Liaison and Training Unit representative or your supervisor.

STUDY
Chapter 14, Article 1, Sections 13400, 13401, 13402, 13403

Using the Sections listed above answer the following questions:

1. Which is the most accurate list of petroleum products as defined in Section 13401:

A	B	C
Gasoline	Diesel Fuel	Gasoline
Motor Oil	Gasoline	Gear Oil
Diesel Fuel	White Gasoline	Motor Oil
Transmission Fluid	Gear Oil	Solvent
Kerosene	Motor Oil	Brake Fluid

2. Which of the following is not a motor vehicle fuel:

   A. Gasoline
   B. Diesel fuel
   C. Outboard motor fuel
   D. None of the above

3. Automotive spark ignition engine fuel includes:

   A. Gasoline and diesel fuel
   B. Diesel fuel and gasoline/alcohol blends
   C. Gasoline and gasoline/alcohol blends
   D. Gasoline, diesel fuel, and gasoline/alcohol blends

4. Octane number designates which quality of a motor fuel:

   A. Volatility
   B. Antiknock
   C. Potential energy
   D. Burning quality

5. Standard test means a test:

   A. Adopted in regulations
   B. Established by the Department
   C. Adopted by American Society for Testing Materials (ASTM)
   D. Established by Society of Automotive Engineers (SAE)

ANSWERS and References, Article 1, Sections 13400, 13401, 13402, 13403

1. B – § 13401
2. C – § 13401, outboard powered boats do not operate on a public street or highway
3. C – § 13402
4. B – § 13403
5. C – § 13402

Review the referenced sections for the questions answered incorrectly.

STUDY
Chapter 14, Article 2, Sections 13413, 13401 and Article 14

Using the sections listed above answer the following questions:

1. Misrepresenting the following items is a violation of Section 13413:

	TRUE	FALSE
A. Price of gasoline	_____	_____
B. Gasoline octane	_____	_____
C. Brand of motor oil	_____	_____
D. Grade of automatic transmission fluid	_____	_____
E. Conditions of sale petroleum products	_____	_____
F. Alcohol content of gasoline	_____	_____
G. Discounts on motor oil	_____	_____
H. Price of an oil change	_____	_____
I. Brand name of antifreeze	_____	_____
J. Grade of diesel fuel	_____	_____

2. The following types of statements, if false or misleading, would be a violation of Section 13413:

A. Newspaper ads	_____	_____
B. Price signs	_____	_____
C. Dispenser labels	_____	_____
D. A label which reads, “Cleans injectors”	_____	_____
E. A sign reading, “Lowest prices in town”	_____	_____
F. A sign reading,” Highest octane in town”	_____	_____

ANSWERS and References, Article 2, Sections 13413, 13401 and Article 14

1. A. True – § 13413(a)

   B. True – § 13413(a), § 13570

   C. True – § 13413(a) & (d)

   D. False – § 13401(c) (not defined as a petroleum product)

   E. True – § 13401(c) & (e)

   F. True – § 13413(a) & (d), § 13570

   G. True – § 13413(f)

   H. True – § 13413(c)

   I. False – § 13401(c) (not defined as a petroleum product)

   J. True – § 13413(a)

2. All answers are TRUE.

   § 13413 prohibits false or misleading statements, by any means whatever, regarding:

   - Quality
   - Quantity
   - Performance
   - Price
   - Discount or Saving

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 5, Sections 13440, 134402, 13403

Using the sections listed above answer the following questions:

1. The Department is required to adopt specifications for gasoline which are the latest standards of:

   A. Society of Automotive Engineers
   B. National Bureau of Standards
   C. American Society for Testing Materials
   D. National Conference of Weights and Measures

2. Any gasoline blend which contains methanol must also contain:

   A. Ethanol
   B. Propanol
   C. Cosolvent
   D. Injector detergents

3. If another state agency has a more stringent specification for gasoline than Article 5, gasoline would be required to meet the least stringent specification:

   True_____ False_____

4. Outboard motor fuel (gasoline/oil mixture) dispenser must be labeled “Not Gasoline”:

   True_____ False_____

ANSWERS and References, Article 5, Sections 13440, 134402, 13403

1. C – § 13440(a), § 13403
2. C – § 13440(b)
3. False – § 13440(a)
4. False – § 13442

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 6, Title 4, Sections 4141, 4142 and 4143, and ASTM D975

Using the sections listed above answer the following questions:

1. Diesel fuel and fuel oil may be required to meet a more stringent _____ than ASTM specification:

   A. Vapor pressure
   B. Distillation end point
   C. Viscosity
   D. Sulfur content

2. It is unlawful for any person to sell diesel fuel, fuel oil or kerosene unless the product meets the specifications established by:

   A. Regulation
   B. ASTM
   C. SAE
   D. NBS

3. The minimum flash point for diesel fuel Grade 2 is:

   A. 100°F
   B. 110°F
   C. 118°F
   D. 125°F

ANSWERS and References Article 6, Title 4, Sections 4141, 4142 and 4143, and ASTM D975

1. D – § 13450(a); Title 4, § 4143
2. B – § 13450(a), (b), (c); Title 4, § 4141, § 4142, § 4143
3. D – ASTM D975

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 7 and Sections 13480(b), 13500, Chart of API Service Classifications, Title 4, Section 4151

Using the sections listed above answer the following questions.

1. Used motor oil which is recycled is exempt from some specifications for motor oil:

   True_____ False_____

2. Containers and dispensers of lubricating oil and gear oil must be labeled with:

   A. SAE viscosity
   B. Brookfield viscosity
   C. Saybolt viscosity
   D. Both A and B

3. The API Service Classification of SA through SL apply to:

   A. All gasoline engines except motorcycles
   B. All gasoline engines except aircraft
   C. Passenger car and some truck gasoline engines
   D. All gasoline engines

4. Two-cycle engine oil which is pre-diluted is exempt from which labeling requirement(s):

   A. Viscosity
   B. API Service Classification
   C. Name of product
   D. Flash points

5. Tank trucks delivering motor oil to a service station must have the compartment outlets labeled with:

   A. The brand and name of product
   B. The SAE viscosity only
   C. The name of the product and the SAE viscosity
   D. The name of the product only

ANSWERS and References Article 7, and Sections 13480(b), 13500, Chart of API Service Classifications, Title 4, Section 4151

1. False – § 13460
2. A – § 13480(b)
3. C – Chart of API Service Classification
4. A & B – Title 4, § 4151

   NOTE: Flash point is not a labeling requirement
5. C – § 13500

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 8, Price Indications on Dispensing Apparatus
Section 4201, Title 4

Using the sections listed above answer the following questions:

1. The provisions of Section 13470 require the price to be shown on dispensing apparatus. Other provisions of the section are:

	TRUE	FALSE
A. Retail sale	_____	_____
B. Any petroleum product	_____	_____
C. Any sale, wholesale or retail	_____	_____
D. Motor vehicle fuel only	_____	_____
E. Actual total price	_____	_____
F. Sales to the general public	_____	_____
G. Price per gallon or liter	_____	_____
H. Price shall include fuel taxes	_____	_____
I. Price shall include sales taxes	_____	_____
J. Any motor fuel	_____	_____

2. When gasoline is sold by the liter, which of the following must be done:

	TRUE	FALSE
A. Word “Liter” must be on the dispenser	_____	_____
B. If sales can be made from each side of a dispenser, the labels and signs must be visible from each side	_____	_____
C. A gallon–to-liter conversion chart must be displayed	_____	_____
D. The numerals on the price indicator must be at least 3/4 inch in height	_____	_____

3. A service station is displaying the following signs on the pump islands:

On the self-serve island, the unleaded pump has a price sign which reads “Unleaded 139.9”. This is the only pump in the station with such a sign.

The advertising is legal under the provisions of Article 8.

True____ False____.

4. The provisions of Article 8 apply to each of the following retail locations:

	TRUE	FALSE
A. Service station sales of gasoline	_____	_____
B. Sales to aircraft from a dispenser	_____	_____
C. Dispenser at a marina	_____	_____
D. Sales to aircraft from a tank truck	_____	_____
E. Sales of diesel fuel to automobiles from a tank truck	_____	_____

5. The price sign and dispenser sketched below are at a service station:

What additional information is required by Chapter 14 to be shown on the dispenser:

A. Full-Serve Price
B. “Credit Price”
C. Amount of Discount
D. Antiknock Index
E. Gallon–to–Liter Conversion
F. Charts of Discounts

ANSWERS and References Article 8

1. A – True
   B – False
   C – False
   D – False
   E – True
   F – True
   G – True
   H – True
   I – True
   J – True

2. A – True – § 13470
   B – True – § 13471
   C – True – § 13470.5
   D – True – § 13473

3. False – § 13472

4. A – True
   B – True
   C – True
   D – False – § 13477
   E – True

5. A. Not required
   B. Required – § 13470
   C. Required – § 13470
   D. Required – § 13480
   E. Not required for gallon sales
   F. Not required on the dispenser – Must be available for the Customer's reference – § 13532(b) (3).

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 9 – Petroleum Labeling Pamphlet Review, Article 7 and Section 13502

Using the sections listed above answer the following questions:

1. Any petroleum product container used for sale of products must be labeled with: (Select correct answers)

   A. Brand
   B. Grade of motor fuel (if applicable)
   C. Price
   D. Net quantity
   E. Name of product

2. Specific products must be labeled with additional information. Match the products in Column A With the additional information required in Column B: (There may be more than one answer.)

A		B
Gasoline	_____	1. SAE viscosity
Diesel fuel	_____	2. Antiknock index
Outboard motor fuel	_____	3. Gasoline/motor oil ratio
Automotive engine oil	_____	4. Contains alcohol
Gear oil	_____	5. API Service Classification
Gasoline/alcohol blends	_____	6. None of the above
Aviation engine oil	_____	
Diesel engine oil	_____	

3. If a tank truck delivered regular gasoline into a service station tank which was labeled Premium, it would not be a violation of Article 8 because Section 13487 exempts tank trucks:

   True_____ False _____

4. Underground storage tanks are exempted from which of the labeling requirements:

   A. Brand name
   B. None
   C. Size of letters
   D. Word “Gasoline” when applicable

ANSWERS and References Article 9

1. A, B, and E – § 13480 – Net quantity would only apply to factory sealed containers
   Example: One-quart cans.

2.

Gasoline	2	-	§ 13480(c)
Diesel fuel	6		
Outboard motor fuel	3	-	§ 13480(e)
Automotive engine oil	1 & 5	-	§ 13480(b), 13462
Gear oil	1	-	§ 13480(b)
Gasoline/alcohol blends	2	-	§ 13480(c)
Aviation engine oil	6	-	§ 13480(g)
Diesel engine oil	1 & 5	-	§ 13480(b), 13462

3. False – § 13487 reads “Subject to the provision of this chapter relating to tank vehicles...”
   § 13502 (tank vehicles) prohibits delivering into storage tank any product other than the products identified on the label of the storage tank.
   § 13480(a) requires the grade to be shown on a motor fuel storage tank.

4. C – § 13483

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 10, Tank Trucks Article 11, Temperature Corrected Gallonage Review, Section 13401(c), Section 13520

Using the sections listed above answer the following questions:

1. The requirements for labeling of tank truck outlets apply to the following products:

	TRUE	FALSE
A. Kerosene	_____	_____
B. Engine oil	_____	_____
C. Automotive gasoline	_____	_____
D. Aviation gasoline	_____	_____
E. Gear oil	_____	_____
F. Automatic transmission fluid	_____	_____
G. Propane heating fuel	_____	_____
H. Diesel fuel	_____	_____

2. Temperature corrected gallonage must be offered on deliveries of _____ or more gallons:

   A. 3,000
   B. 4,000
   C. 5,000
   D. 6,000

3. If a tank truck delivered 3,000 gallons of gasoline and 3,000 gallons of diesel fuel to a single location temperature corrected volume (gallons) would have to be offered:

   True_____ False_____

4. Temperature corrected volume of petroleum products is volume corrected to _____ °F:

   A. 40
   B. 50
   C. 60
   D. 70

ANSWERS and References Article 10 and 11

1. A – True – § 13401(c)
   B – True
   C – True
   D – True
   E – True
   F – False
   G – False
   H – True

2. C – Article 11

3. False – § 13520 applies to 5,000 gallons of a single product, single delivery, and single location. (Legal counsel opinion 2-11-85)

4. C – 60°F – § 13520; Title 4, 4517.3

Review the above referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 12, Sections 13530, 13531, 13532, 13533, 13534, 13535

Using the sections listed above answer the following questions.

1. A gasoline price advertising sign which contains a statement reading “90 Octane” is legal if the gasoline is in fact 90 octane.

   A. True _____
   B. False _____

2. The sketched sign is displayed at a service station.

NO BRAND Motor oil 99¢ qt.

   The sign:

   A. Must show the SAE viscosity
   B. Is legal as shown
   C. Must show the words “No Brand” in red letters on a white background
   D. Must show the price in six-inch high numerals.

3. Any limitations on the offering of a discount for gasoline must be explained in words whose letters are not less than _____ the size of the numerals indicating the price.

   A. 1/6
   B. 1/4
   C. 1/3
   D. 1/2

4. Specified geographic areas may be exempted from posting a mandatory gasoline price sign by: (select the best answer)

   A. A district attorney and designation as a scenic corridor
   B. Designation as a scenic corridor or historic preservation area
   C. A local ordinance and designation as a scenic corridor or historic preservation area
   D. A local ordinance

5. Any price of a brand and grade of motor fuel advertised as permitted by Article 12 must, unless otherwise stated:

   A. Be advertised by the gallon
   B. Show the cash value of any trading stamps offered or given
   C. Be identical in numerical value with the corresponding retail dispenser
   D. Be at least 8 inches in height

6. The minimum size of numerals designating the price of motor fuel on an advertising sign is _____ inches.

   A. 4
   B. 6
   C. 8
   D. 10

7. The brand of motor fuel must be at least _____ the size of the price numerals.

   A. 1/6
   B. 1/4
   C. 1/2
   D. 1/3

8. The grade of motor fuel must be at least _____ the size of the price numerals, but need not be more than _____inches in height.

   A. 1/6, 4
   B. 1/3, 4
   C. 1/6, 3
   D. 1/3, 3

9. The word, “gasoline” or the name of the other motor fuel shall be shown in letters not less than _____ size of the price numerals, but need not be more than _____ inches in height.

   A. 1/6, 4
   B. 1/3, 4
   C. 1/6, 3
   D. 1/3, 3

10. Which of the statements if placed on a gasoline price advertising sign would be legal? (Assume correct size of letters and numerals.)

    A. 5¢ per gallon discount for cash
    B. 5¢ per gallon discount with car wash
    C. 5¢ per gallon after 5 p.m.
    D. All of the above
    E. None of the above

11. A service station is selling motor fuel at self-serve, full-serve, cash and credit prices, and displays a sign showing the self-serve cash price; no other price signs are displayed; the station must also display:

    A. The self-serve credit price
    B. The full-serve cash price
    C. Both A and B
    D. Each of the higher prices

12. In the situation described in Question 11, if the service station advertised the higher price of the motor fuel and displayed a sign with the lowest price of only one grade it would be legal: (Assume correct letter/numeral size.)

    A. If the station only sold one grade of gasoline
    B. If a local ordinance restricts the amount of signs
    C. If the numerals are of equal size on both signs
    D. If the single-grade sign shows the conditions of sale applicable to that price

13. If a service station has a legal motor fuel price sign displayed, additional signs may be displayed which advertise: (Assuming brand, grade, and product are displayed properly.)

    A. A price of one grade only or an amount of discount
    B. An amount of discount, but not a price
    C. A price of one or more grades but not an amount of discount
    D. An amount of discount or the price of one or more grades

14. The following messages are <u>permitted</u> on a non electronic changeable message center gasoline price advertising sign.

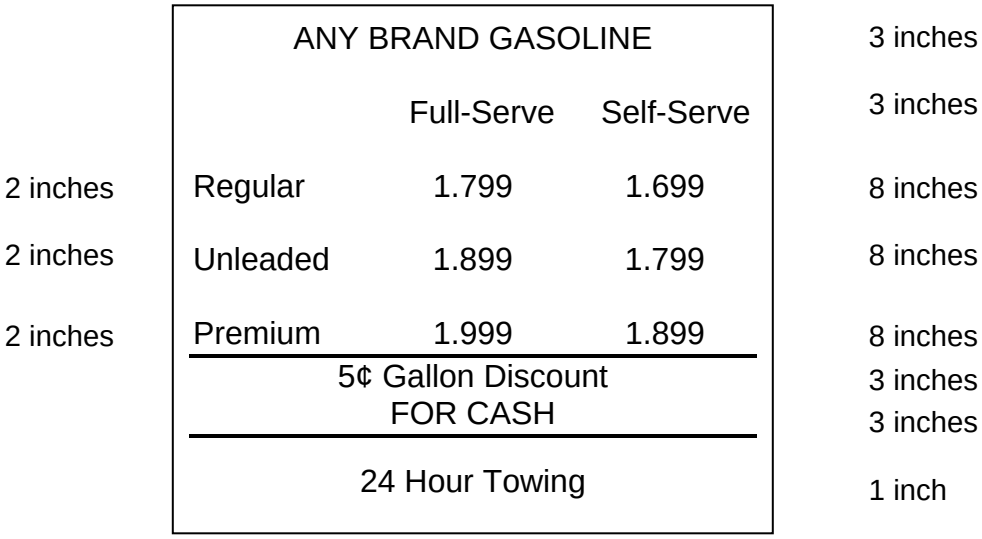
	TRUE	FALSE
A. Food Market	_____	_____
B. Cigarettes	_____	_____
C. Car Wash	_____	_____
D. Tune-up $29.95	_____	_____
E. Full-Serve	_____	_____
F. Antiknock Index 91	_____	_____
G. Super Burgers 99¢	_____	_____
H. Contains Ethanol	_____	_____
I. KarMa Kanic Tune-up	_____	_____
J. Milk	_____	_____

15. <u>When applicable</u>, the following are <u>required</u> to be on a price advertising sign.

	TRUE	FALSE
A. Brand of gasoline	_____	_____
B. No Brand	_____	_____
C. Open 24 hours	_____	_____
D. Brake repair	_____	_____
E. Grade of gasoline	_____	_____
F. Diesel fuel	_____	_____
G. Gasoline	_____	_____
H. Full-Service	_____	_____
I. Liter	_____	_____
J. Towing	_____	_____

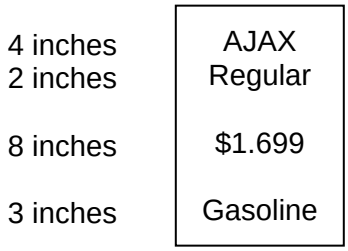
16. The sketched sign meets the requirements of the Business and Professions Code, Chapte 14.

True_____ False_____



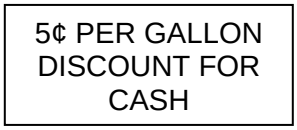
17. The sketch below meets the requirements for price advertising regarding sizes of letters and numerals:

True_____ False_____



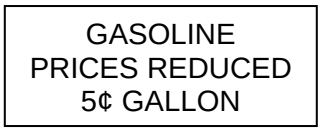
18. If the below sketched attachment was placed on the above sign, the minimum acceptable size of letters would be _____:

A. 2-1/2 inches
B. 2-1/3 inches
C. 2-2/3 inches
D. 1-2/3 inches



19. The sign below standing alone at the service station would be legal:

    True _____ False _____



20. If a chart of discounts is required at a service station it must state:

    A. Amount of discount per gallon or liter
    B. Amount of discount in one cent increments
    C. “Includes Cash Discount”
    D. “Credit Price”

21. Additional advertising which is permitted on a gasoline price sign is:

    A. Methods of sale such as “Self-Serve”
    B. Other commodities such as cigarettes
    C. Other services such as “Car Wash”
    D. All of the above

ANSWERS and References, Article 12, Sections 13530, 13531, 13532, 13533, 13534 and 13535

1. A. § 13534 permits descriptions of the products sold.

2. B. § 13533 and § 13535.

3. C. § 13532(b)(2)

4. C. § 13531(b) and § 13540

5. C. § 13530(a)(b)(c) and § 13532(a)(1)

6. B. § 13532(a)(1)

7. D. § 13532(a)(2)

8. A. § 13532(a)(4)

9. B. § 13532(a)(3)

10. D. § 13532(b)

11. D. § 13532(c)

12. D. § 13532(d)

13. D. § 13532(d)

14. A. True
    B. True
    C. True
    D. False
    E. True
    F. True
    G. False
    H. True
    I. True
    J. True

    § 13534 – Permits: Descriptions of the products
    Methods of sale
    Types of additional services
    Trademark of additional services
    Prohibits: Prices of additional services

15. References entire article

    A. True - § 13532(a)
    B. True - § 13532
    C. False - § 13532
    D. False - § 13532
    E. True - § 13532(a)
    F. True - § 13532(a)
    G. True - § 13532(a)
    H. True - § 13532(c)
    I. True - § 13532(a)
    J. False - § 13532

16. True - § 13532

    Review the referenced sections for questions answered incorrectly.

17. True - § 13532(a)

18. C - § 13532(b)

19. False - § 13532(b)(1)

20. B - § 13532(b)(3)

21. D - § 13534

STUDY
Chapter 14, Article 14, Passing Off, Section 13413(a), (d) and (i);
Sections 13486, 13502, 13401(h) and (i)

Using the sections listed above answer the questions above:

1. If a gasoline retailer purchased regular gasoline and sold it as premium, the retailer could be in violation of which sections of Chapter 14:

   A. § 13413(i) and § 13502
   B. § 13413(a) and § 13562
   C. § 13413(a), § 13486 and § 13562
   D. § 13486 and § 13502

2. Certification of the minimum antiknock index applies to the following products:

	TRUE	FALSE
A. Aviation gasoline	_____	_____
B. Outboard motor fuel	_____	_____
C. Automobile gasoline	_____	_____
D. Gasoline/alcohol blends	_____	_____

3. Certification of the alcohol content by a petroleum distributor applies to the following products:

	TRUE	FALSE
A. Aviation gasoline	_____	_____
B. Outboard motor fuel	_____	_____
C. Automotive gasoline	_____	_____
D. Gasoline/alcohol blends	_____	_____

ANSWERS and References Article 14

1. B – § 13413(a) prohibits misrepresenting the grade of a petroleum product. § 13562 prohibits changing the designation of a product without written authorization of the manufacturer.

2. A – False §13570, 13401(i)
   B – False
   C – True
   D – True § 13570

   Certification of the antiknock index applies to motor vehicle gasoline and gasoline/alcohol mixtures. Aviation gasoline has a different octane rating than automotive gasoline and is not defined as a motor vehicle fuel [§ 13401(i)]. Also, see § 13480(c) regarding posting of the antiknock index on retail dispensers and § 13480(g) regarding products sold for aviation purposes.

3. All are True – § 13570 requires certification of the alcohol content for all motor fuel. § 13401(h) defines motor fuel.

Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 14, Article 16 and 17, Sections 12013, 12012.1, 13401(c)

Using the sections listed above answer the following questions:

1. The provisions of Section 13595 allow Weights and Measures Officials to seal containers and dispensers for the following reasons:

	TRUE	FALSE
A. Incorrect octane posting of gasoline	_____	_____
B. Incorrect viscosity labeling of motor oil	_____	_____
C. Unlabeled automatic transmission fluid	_____	_____
D. Low flash point diesel fuel	_____	_____
E. Gasoline which contain water	_____	_____
F. Kerosene contaminated with motor oil	_____	_____

2. If a petroleum product container is sealed closed (red tagged) because of contaminated product, the red tag can be removed by:

	TRUE	FALSE
A. Licensed device repairpersons	_____	_____
B. the owner of the container	_____	_____
C. Authorized representatives of the Department or the Sealer	_____	_____
D. The distributor of the product	_____	_____

3. Enforcement actions which may be taken by a Sealer for contaminated petroleum products are:

	TRUE	FALSE
A. Issue a citation (Notice to Appear)	_____	_____
B. Action to enjoin the violation	_____	_____
C. Assess administrative penalties	_____	_____
D. Remove the product from sale	_____	_____

ANSWERS and References Articles 16 and 17

1. A – True
   B – True
   C – False. Automatic transmission fluid is not defined as a petroleum product in § 13401(c). It is covered in Chapter 15 Automotive Products.
   D – True
   E – True
   F – True. § 13595 authorizes sealing the container and/or dispenser if unlabeled, mislabeled or if the product fails to meet the specifications of Chapter 14.

2. A – False
   B – False
   C – True
   D – False § 13600

3. A, B, C and D – True § 12013 authorizes citations; § 12012.1 and § 13611 authorizes actions to enjoin; § 12015.3 permits the Department to assess administrative penalties; § 13595 authorizes removal from sale.

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Review the referenced sections for questions answered incorrectly.

STUDY
Chapter 15, Articles 1 and 2, Sections 13700, 13701, 13710, 13711

Using the sections listed above answer the following questions:

1. Chapter 15 provides labeling and quality requirements for: (select the best answer)

   A. Brake fluid, and automatic transmission fluid (ATF)
   B. Antifreeze, prediluted engine coolant, brake fluid, and ATF
   C. Coolants, brake fluid, ATF, and additives

2. Any product referred to in Chapter 15 must meet the specifications established by:

   A. ASTM
   B. Automotive manufacturers
   C. Department of Food and Agriculture
   D. U.S. Department of Transportation
   E. NBS

3. Antifreeze shall meet the minimum specifications established by:

   A. ASTM
   B. U.S. Department of Transportation
   C. NBS

4. ATF shall meet the requirements established by:

   A. ASTM
   B. Automotive manufacturers
   C. U.S. Department of Transportation
   D. NBS

5. Brake fluid shall meet the minimum specifications established by

   A. ASTM
   B. Automotive manufacturers
   C. U.S. Department of Transportation
   D. NBS

6. Chapter 15 requires an accurate statement of net quantity on which of the following products:

   A. Brake fluid
   B. Coolant
   C. ATF
   D. Antifreeze
   E. All of the Above

7. “Container” as defined in Chapter 15 is:

   A. A tank car or truck
   B. A carton which contains packages of product
   C. A receptacle in which a commodity is immediately contained when sold
   D. All of the above

ANSWERS and References Chapter 15

1. B – § 13700

2. C – § 13710

3. A – § 13710(a)

4. B – § 13710(b)

5. C – § 13710(c)

6. E – § 13711
   A – § 13711(a)(1)
   B – § 13711(b)(1)
   C – § 13711(c)(2)
   D – § 13711(d)(2)

7. C – § 13701

Review the referenced sections for questions answered incorrectly.